



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 91 OF 2024

Tipu Sultan s/o. Alauddin Patel .. Applicant
Age. 32 years, Occ. Labourer,
R/o. Chaudri Nagar, Latur,
Tq. & Dist. Latur.

Versus

The State of Maharashtra .. Respondent
Through Police Station, MIDC, Latur,
Tq. & Dist. Latur.

WITH
BAIL APPLICATION NO. 64 OF 2024

Ibrahim s/o. Alauddin Patel .. Applicant
Age. 43 years, Occ. Labour,
R/o. Choudhari Nagar, Latur,
Tq. & Dist. Latur.

Versus

The State of Maharashtra .. Respondent
Through the Police Officer,
MIDC Police Station,
Tq. & Dist. Latur.

Mr.Tabrezuddin R. Quadri h/f. Mr. M.G. Mustafa, Advocate for applicant in BA No.91 of 2024.

Mr.PP. More, Advocate for the applicant in BA No.64 of 2024.

Mrs.Pratibha J. Bharad, APP for the respondent/State.

CORAM : SANJAY A. DESHMUKH, J.
DATED : 12.02.2024

PC :-

01. The applicants have prayed for granting bail under section 439 of the Cr.P.C. The applicants are prosecuted for the offences punishable under section 306, 498-A, 504, 506 read with section 34 of the Indian Penal Code on the basis of Crime No.850 of 2023, registered with MIDC Police Station, Latur.

02. It is averred in the report by the brother of wife of the applicant in Bail Application No. 64 of 2024 that marriage of his sister was performed in the year 2011. She co-habited with her husband and begotten two children. Thereafter, her husband Ibrahim was harassing her for purchasing auto-rickshaw. She was kept on starvation. She was frequently harassed for auto-rickshaw. The applicant and other co-accused were harassing her frequently. The applicant/husband was also not providing books for her children. Co-accused were throwing their books and were saying that her children are not having ability to learn and why to teach them and bear expenses of teaching. On 23.04.2023 wife of the the applicant Tipu Sultan assaulted sister of the informant and demanded Rs.5 lakhs for purchasing car for her husband and she was expelled from house. She called the informant at Latur and the informant took her to his house.

03. On 15.05.2023 the sister of the informant was again taken to the house of the accused with request to treat her well. Again on 08.11.2023 all the accused beaten the sister of the informant on account of not bringing the amount. The applicant/husband Ibrahim threatened to set her on fire. Thereafter, the sister of informant came to her parents house along with her husband. Her husband that time also abused and quarreled with her. He threatened that he will perform second marriage. The informant assured that he will pay Rs.1 lakhs and assured that he will come with the amount. Thereafter, the informant went there with amount of Rs.1 lakhs on 17.11.2023, out of it Rs.60,000/- was taken from Usman Umar Shaikh. The sister of the informant was left there. The informant paid that amount to her husband. One of the co-accused – wife of brother of the applicant at that time said that this is impossible to purchase a car with the amount of Rs.1 lakh. That time the informant told that he will pay Rs.4 lakhs to treat his sister properly.

04. On 21.11.2023 the informant got phone call of his sister. She told him that she is not treated well and paying that amount of Rs.1 lakh was

fruitless. She felt that she would commit suicide. That time the informant convinced her. Thereafter on second day, the informant went to his sister on 22.02.2023 and requested her husband to send her with him for some days but that proposal was rejected. On 23.11.2023 the informant got phone call that his sister is suffering from illness. She has been admitted in the hospital at Amli. He went there along with relatives and saw that his sister is no more. His sister committed suicide by hanging. Therefore, he lodged the report.

05. The learned Advocates for the applicants submitted that the applicants are arrested on the day of registration of crime i.e. on 24.11.2023. The applicants have roots in the society. They are not likely to flee. The trial would take long period. Though suicide is there, presumption under section 306 of the IPC cannot be drawn. It is lastly prayed to allow the application.

06. The learned APP for the respondent-State strongly opposed the applications. The learned APP pointed out entire report and submitted that there is prima facie serious case against the applicants. They have continuously illtreated the sister of the informant and compelled her to commit suicide, even though she was blessed with two children. Considering

serious nature of the case, it is lastly prayed to reject the applications.

07. Perused the applications and papers of investigation. Practically investigation is over. The applicants have roots in the society. The trial will take long period. The informant and other witnesses are not resident of one and same village. Therefore, there is no possibility of pressurizing the prosecution witnesses. Considering all these reasons, the applications deserve to be allowed on certain conditions. Hence, following order :-

ORDER

- (a) The applications are allowed.
- (b) The applicants be released on bail on execution of PR bond of Rs.50,000/- (Rupees Fifty Thousand) with solvent surety in like amount each.
- (c) The applicants shall not pressurize the prosecution witnesses and tamper the evidence.
- (d) The applicants shall co-operate the Trial Court for hearing of the Trial and if it is noticed by the Trial Court that the applicants are not co-operating, the Trial Court may cancel the bail and proceed further with the trial without reference to this Court.

[SANJAY A. DESHMUKH, J.]