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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.135 OF 2024

Jamilabi Lukhman Khan

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

.....
Mr. Bhushan S. Dhawale, Advocate for the applicant
Mr. S. V. Hange, APP for respondent - State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 29th FEBRUARY, 2024

ORDER :

1. Applicant apprehends arrest in Crime No. 801 of 2023 registered with CIDCO Police Station, Chhatrapati Sambhaji Nagar for offence punishable under section 306 read with 34 of the Indian Penal Code.

2. FIR is lodged by Shaikh Shafiq Shaikh Habib, in short alleging that his brother - Mehboob Shaikh has committed suicide, which is abetted by his wife and in laws. It is alleged that deceased was not having an issue out of the marriage and he was forced to execute gift deed of his residential house and plot in favour of his wife and on these counts his wife Najrana, brother in law - Imran, mother in law - Jamila, father in law Lukhman, maternal father in law Rafiq Khan, Husband of paternal

aunt – Sartaj Khan and Paternal aunt – Shama Begum have abetted to suicide of his brother.

3. Heard learned advocate for applicant and learned APP for the State. Perused the papers of investigation.

4. Mehboob Shaikh committed suicide on 29th November, 2023 and the FIR is lodged on 2nd December, 2023. On going through the investigation papers, particularly, the suicide note, it appears that main allegations of abetment to suicide are against wife of deceased that she was harassing him. A general allegation is levelled against all the in laws that they were not returning papers of his property (probably gift deed executed by deceased in favour of his wife). Except vague and general allegations, there is no material showing abetment to suicide committed by applicant. Ingredients of section 107 of the Indian Penal Code are *prima facie* absent so far as applicant is concerned. Therefore, section 306 of the Indian Penal Code, is *prima facie* not attracted against applicant.

5. Considering gender of applicant and since nothing is to be recovered from her, pre-trial custodial detention of applicant is not necessary in the facts of the present case. Applicant was granted interim protection and she has attended the concerned police station and co-operated in the investigation.

6. In the result, application is allowed by confirming the interim protection granted to applicant. Till filing of the charge sheet, applicant shall attend the concerned police station as and when called by the Investigating Officer. Applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

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