



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 276 OF 2024

SHAHENAJ @ SHATRABI W/O SAYYAD SAJJAT ALI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Santosh C. Bhosle, Advocate for Applicant
Mr. S.R. Yadav Lonikar, APP for Respondents/State
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 21st MARCH, 2024

PER COURT :

1. Applicant apprehends arrest in C.R. No.290/2023, registered with Bhokar Police Station, Nanded, for offence punishable under Sections 302, 307, 323, 294, 509, 506, r/w 34 of the Indian Penal Code.

2. FIR is lodged by Amrin Shaikh Harshad alleging that her marriage was performed prior to three years and she does not have any child. As she was not keeping well, she was residing at her parents house at Mahatma Phule Nagar since one month. Prior to 15 days, while she was at maternal home, neighbour Sumer was waving at her. He had given his cell-phone number on a chit which informant saw and threw away. On 04/08/2023 at about 02:30 p.m. Sumer, his mother Shatrabi (applicant) and his elder brother Amir came in the maternal home of informant and abused informant. Thereafter, in the evening at about 05:00 p.m. when informant was

alone at home, Sumer, his mother Shatrabi and Amir came to her. Sumer caught hold of both her hands. His elder brother Amir pointed knife at her and told her not to raise her voice. Applicant took out a box and by removing it's lid poured contents of the said box in informant's mouth. At that time, her mother Paravin came there. Therefore, they all left the house. Thereafter informant became unconscious and when she regained her consciousness she was at Vishnupuri Hospital, Nanded.

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

4. The incident has allegedly taken place on 04/08/2023 and the FIR is lodged on 12/08/2023. As per the spot panchanama, the incident appears to have taken place at maternal house of informant. Statement of informant's brother reveals that she had purchased something from medical shop and kept it inside her *Burkha*, at that time he was accompanying her. Statements of neighbours of maternal house of informant show that informant went inside the maternal house, locked the door from inside and when she came out some blackish liquid was oozing from her lips. Statement of informant's father shows that she disclosed to him that she had quarrel with her husband and therefore, she had consumed poison.

5. In the backdrop of aforesaid facts, false implication of applicant in present crime cannot be ruled out at this stage. Two co-accused are already arrested and they are released on bail. Considering the gender of applicant and the fact that charge-sheet is already filed, her pre-trial custodial detention is not necessary in the facts of present case.

6. In the result, application is allowed.

7. In the event of arrest of applicant in connection with C.R. No.290/2023, registered with Bhokar Police Station, Nanded, for offence punishable under Sections 302, 307, 323, 294, 509, 506, r/w 34 of the Indian Penal Code, applicant be released on executing Personal Bond and Surety Bond of Rs.15,000/- with one surety in the like amount.

8. Applicants shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)