



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

9 ANTICIPATORY BAIL APPLICATION NO. 404 OF 2024

1. SHAIKH SAEED S/O.SHAIKH SHABBIR
2. SHAIKH SHAHJADIBEE W/O.SHAIKH SHABBIR
3. REHANA W/O. MOSEEB PATHAN
4. SHABANA W/O. SHAKH SALIM

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr.N.S.Ghanekar
APP for Respondent-State : Mr.P.P.Dawalkar
Advocate for the Assist P.P. : Mr.Pathan Imtiyaz Khan N.K.

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CORAM : ARUN R. PEDNEKER, J.

DATE : 11.11.2024

P.C. :

1] Heard learned counsel for the applicants and the learned APP for the respondent-State.

2] The applicants are apprehending arrest in connection with Crime No.0019 of 2024 registered at Ajintha [Rural] Police Station, Aurangabad, for the offences punishable under sections 306, 498 (A) r/w. 34 of the Indian Penal Code.

3] It is prosecution case that the deceased committed suicide by consuming poison. It is the case set up by the prosecution that the deceased was married to

accused no.1 prior to 15 years of the incident. That the accused nos. 2 and 3 are married sister in laws and accused no. 4 is mother in law of the deceased. For about 5 years the deceased was treated well by the accused persons but thereafter the accused persons started demanding Rs.5 lakhs for the purpose of digging well and on that count they started abusing, harassing and also used to threaten to kill her if the demands of accused are not fulfilled.

4] It is stated by the brother of deceased that one month prior to the incident, the deceased had come to her maternal home and that the meeting had taken in the house along with various persons on account of harassment caused by the applicants and in the said meeting the assurance was given on behalf of the applicants that no further incident in respect of harassment will be occur and due to said assurance, his sister [deceased] was sent back to the house of the applicants. It is further stated by the brother of the deceased that the applicants were harassing the deceased on account of demand of money. The brother of the deceased further stated that on 10.01.2024 at about 2.30 they received information that the deceased has committed suicide by consuming poison and she died. Thereafter, on 27.01.2024, the offence was registered against the applicants.

5] It is the contention of the applicants that there are some disputes as regards applicant no.1 having some affairs with some one else. The learned counsel further submits that the applicant no.1 is not responsible rather he has taken victim in the hospital initially and that there is not a single complaint lodged by the victim against the applicants. The applicant nos. 3 and 4 are residing separately and the applicant no.2 is residing with the applicant no.1. This Court, by order dated 11.03.2024, granted interim protection to the applicant.

6] Having considered the submissions of the learned counsel for the applicants and police papers produced by the learned APP, *prima facie* it appears that there were some disputes on account of money being not given to the applicant no.1 and that one meeting had taken place prior one month of the incident of suicide for resolution of the same. The offence is registered after 17 days of the incident. But it also appears from record that the parents of the deceased were negotiating for future of the children of the deceased and gift deed is also executed of landed property in favour of the children of deceased subsequently on 03.10.2024.

7] Looking to the facts that the applicant nos. 3 and 4 are not residing along with the applicant no.1, as such, interim protection granted by order dated 11.03.2024

stands confirmed in respect of applicant nos.3 and 4 and that the applicant no.2 is the mother in law of the deceased. No further custodial interrogation of the applicant no. 2 is necessary in the matter, as such, interim protection granted earlier by order dated 11.03.2024 stands confirmed in respect of the applicant no.2.

8] As regards applicant no.1 is concerned, further custodial interrogation of the applicant no.1 is necessary in the matter.

9] In view of the same, interim protection granted by order dated 11.03.2024 stands confirmed in respect of applicant nos.2, 3 and 4.

10] The application is dismissed in respect of applicant no.1.

11] The Anticipatory Bail Application is disposed of accordingly.

12] The learned counsel for the applicants submits that earlier protection granted by this Court may be continued for further period of 4 weeks.

13] The learned APP opposed for continuation of the earlier protection to the applicant no.1.

14] In the interest of justice, the earlier interim protection granted by this Court be continued for further three weeks.

[ARUN R. PEDNEKER]
JUDGE

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