



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

938 ANTICIPATORY BAIL APPLICATION NO. 555 OF 2024

1. Asraf @ Ashabi Musa Patel
2. Madina Kalu @ Gayasoddin Patel
3. Harun Musa Patel
4. Meena Harun Patel

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
2. The Superintendent of Police

..RESPONDENTS

Advocate for Applicants : Mr. C.P. Patil

APP for Respondent/State: Mr.R.B. Dhaware

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 2nd July, 2024.

P.C.:

1. Leave to amend the name of applicant no.2.
2. The applicants apprehend arrest in connection with FIR No.31 of 2024 registered with Nashirabad Police Station, Tq. Jalgaon, Dist.Jalgaon, for the offence punishable under sections 306, 354-D, 323, 504 and 506 read with 34 of the Indian Penal Code (For short, "IPC").
3. It is the prosecution's case that informant's sister i.e. deceased got married with one Gaffar Patel, who died on 27.01.2022 due to Cancer. It is alleged that six months after the death of her husband, when she had been to her parental house, the deceased told the informant that co-accused Wasim Salim Pinjari used to come to their house. He used to talk with the deceased and instigate her to keep

physical relations with him. When deceased told about the incident to the applicants, then they had suspected her character and they used to harass the deceased. It is alleged that the applicants were harassing and beating the deceased by suspecting her character. Due to harassment, the deceased committed suicide by hanging herself on 2nd March, 2024 at around 7 a.m. On the complaint, the offence is registered against the applicants and co-accused.

4. It is contention of learned counsel for the applicants that the applicants have been falsely implicated in this case. Co-accused Kalu @ Gayasuddin and Isha have been released on regular bail by the Sessions Court. The charge-sheet has been filed against the present applicants. Custodial interrogation of the applicants is not required, and requested to allow the application.

5. It is contention of learned APP that the applicants are in-laws. They were harassing and beating the deceased. The statements of the witnesses have been recorded by the police. In the said statements, witnesses have stated that due to harassment of the applicants, the deceased has committed suicide. Their custodial interrogation is required and requested to reject the application.

6. I have heard both the learned counsel. Perused the F.I.R. and charge-sheet.

7. The allegations against the applicants are that they had beaten up and harassed the deceased on the ground that deceased had illicit

relations with co-accused Salim Pinjari. Police have recorded the statements of the relatives of in-laws of the deceased. No statements of neighbourers of deceased are recorded to show that she was subjected to harassment by the applicants. Considering the allegations against the applicants, their custodial interrogation is not required, hence I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicants in connection with FIR No.31 of 2024 registered with Nashirabad Police Station, Tq. Jalgaon, Dist. Jalgaon, for the offence punishable under sections 306, 354-D, 323, 504 and 506 read with 34 of the Indian Penal Code, the applicants be released on executing personal bond in the sum of Rs.15,000/- each with one surety of the like amount by each of them, on the following conditions :-
 - (a) the applicants shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]

sga