



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

BAIL APPLICATION NO. 932 OF 2024

- 1) Latif s/o. Gulab Shaikh,
Age 65 years, Occu. Agri.,
- 2) Taher s/o. Latif Shaikh,
Age 37 years, Occu. Agri.,

Both R/o. Singhi, Taluka Gangapur,
District Aurangabad

.. Applicants

Versus

The State of Maharashtra

.. Respondent

Mr. Nilsh S. Ghanekar, Advocate for Applicants;
Mr. S. M. Ganachari, A.P.P. for Respondent

WITH
CRIMINAL APPLICATION NO.2658 OF 2024
IN BAIL APPLICATION NO.932 OF 2024

MUSA GAFUR SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. R. B. Dhakane

...

CORAM : S. G. MEHARE, J.

DATE : 16-07-2024

PER COURT :-

1. Heard the learned counsel for the applicants, the learned A.P.P. for respondent and the learned counsel for the informant/ father of the deceased.
2. The applicants seek bail in C.R.No.248 of 2024 registered with Gangapur Police Station, District Aurangabad, for the offences

punishable under Sections 304B and 504 of the Indian Penal Code.

3. The applicants are father in law and brother in law of the deceased. It has been alleged against them that after the husband confirmed his service, they were asking her to bring money and motorcycle from the parents. The marriage was six years old. Till the happening of the incident, there were no complaints. The incident happened on 19.05.2024. The prosecution has a case that just before the incident she made a phone call to her father and complained about ill-treatments for demand of dowry. Then, she consumed poison and died.

4. Learned counsel for the applicants submits that since the deceased died untimely, entire family has been roped in the crime. The allegations were concocted. They never demanded dowry. They treated the deceased with love and respect. The allegations have been cooked up after the incident happened. The husband of the deceased took her to the hospital.

5. Learned A.P.P. for the State and the learned counsel for the victim/first informant argued that the allegations were correct. Soon after services of the husband, he started ill-treating the deceased for dowry. The legal presumption of committing the crime is running against the applicants. The ingredients of Section applied have been *prima facie* available. The offence is against the society. Therefore, the applicants do not deserve bail.

6. The learned counsel for the victim is correct in saying that

the allegations levelled against the accused constitute the offence. The question is the conduct of the applicants family since after the incident. The husband of the deceased, as stated by the learned counsel for victim, took the deceased in the hospital.

7. The general tendency to implicate all family members cannot be ruled out. Be that as it may, the so-called applicants are languishing in jail for sufficient time. Therefore, their detention would serve no purpose. The circumstances are sufficient to grant them bail. Hence, the order :-

ORDER

- i) Bail application is allowed.
- ii) Applicants No. (1) Latif s/o. Gulab Shaikh and (2) Taher s/o. Latif Shaikh be released on bail on furnishing P.B. and S.B. of Rs.50,000/- each, with one solvent surety of like amount, on the conditions that
 - (a) They shall not tamper with the prosecution witnesses;
 - (b) They shall attend the police station on written notice as and when called by the Investigating Officer, till filing of the chargesheet.
- iii) Criminal Application No.2658 of 2024 stands allowed.

**(S. G. MEHARE)
JUDGE**