



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

938 BAIL APPLICATION NO. 1675 OF 2024

SHEZADIBEE W/O SHAIKH GOUS AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Siddiqui Soheli E.
APP for Respondent-State : Mrs. Vaishali S. Choudhari

...
WITH
BAIL APPLICATION NO. 1680 OF 2024

SHAIKH GAUS SHAIKH GAFOOR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Siddiqui Soheli E.
APP for Respondent-State : Mrs. Vaishali S. Choudhari

WITH
CRIMINAL APPLICATION NO. 4202 OF 2024
IN BA/1675/2024

AYESHA BEE SHAIKH IBRAHIM
VERSUS
SHEZADIBEE W/O SHAIKH GOUS AND OTHER

...
Advocate for Applicant : Mr. Nirmal Ramrao G.
APP for Respondent-State : Mrs. Vaishali S. Choudhari

...
CORAM : S. G. MEHARE, J.

DATE : 9th October, 2024.

P.C.:

1. Heard the learned counsel for the applicants, the learned APP for the respondent/State and the learned counsel for the informant.
2. The applicants seek bail in Crime No.240 of 2024 registered with Kotwali Police Station, Parbhani, for the offences punishable under

sections 103(1), 115(2), 351(3), 3(5) of Bhartiya Nyaya Sanhita.

3. The prosecution case in brief is that on the day of incident, one of the accused called deceased for filling Jawar. He went to his house. However, he did not return home. Hence, his mother went there. She witnessed that all the accused were beating him mercilessly. She took him to Adhar hospital. He treated with saline. Then his parents took him to home. Thereafter, they were trying to take the deceased to Hyderabad for treatment. However, his health deteriorated. Hence, they came home and took him to rural hospital, Parbhani. The doctor declared him dead.

4. The learned counsel for the applicants submits that there are no specific allegations of causing injury to his private part. General allegations of beating were levelled against the applicants. Hence, it is difficult to accept the peculiar role of each accused. He would submit that the applicants are reputed members of the society, having no antecedents to their discredit. After the death of the deceased, they had lodged the report against the deceased alleging that he did the unnatural intercourse with the child of their family. There was a reason and in the fit of anger, the incident took place. Therefore, they may be granted bail.

5. The learned APP for the respondent/State and learned counsel for the informant strongly opposed the applications. They would submit that the deceased had left the village for one month and after one

month, he return home. The applicants called him to their home and beat him mercilessly and due to acts of beating, he died. They were waiting for his return. As soon as he came to the village, they beat him. Their conduct shows that they were predetermined to eliminate the deceased. They would submit that the applicants are neighbourers of the deceased. If they have been granted bail, they will tamper with the prosecution witnesses. Other family members of the applicants are threatening the witnesses. The first informant is a widow and living alone in the home. Therefore, bail may not be granted to them.

6. The incident, as mentioned above, appears to have been happened in the peculiar situation and circumstances. Considering the F.I.R. lodged against the deceased, it can not be said that they had grievance against the deceased. Instead of lodging the report against the deceased, they tried to teach him a lesson by keeping the unnatural intercourse done with the child of their family. No doubt the deceased was 19 years old. He died due to the acts of the applicants, but considering the reason for beating and no specific allegations against the applicants assaulting him on his pennis, no purpose will be served by keeping them behind bars. However, apprehension of the first informant and another witnesses can be guarded by imposing certain conditions. Hence, the following order:

ORDER

- (i) Bail Applications are allowed.

- (ii) Applicant no.1-Shezadibee Shaikh Gous and (ii) Applicant No.2-Wahida Bee Shaikh Munnu in Bail Application No.1675 of 2024 and Applicant no.1-Shaikh Gaus Shaikh Gafoor and Applicant no.2-Shaikh Munnu Shaikh Gafoor in Bail Application No1680 of 2024 be released on bail in the above Crime for the aforesaid offences, on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) each with one solvent surety of like amount by each of them, on the following conditions :
- (a) They should attend the police station, if the Investigating Officer call them for interrogation on written notice till the filing of the chargesheet.
 - (b) They should not enter Roshni Nagar locality of Parbhani and not contact with their family members for three months from the date of their release.
- (iii) Criminal Application no.4202 of 2024 stands disposed of.

(S.G. MEHARE, J.)

sga