



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 2245 OF 2023

SAMIR DADAMIYA SHAIKH

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Ritesh Thobde a/w Ms.Zubi Ansari, Ms.Ankita Rai, for the Applicant.

Mr. Avinash A. Naik, APP for the State.

Mr. Mohammad S. Mulla, for Complainant.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 16, 2024

P.C. :

1. Heard learned counsel for the applicant, learned counsel for the complainant and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under Sections 304B, 377 323, 498-A read with 34 of the Indian Penal Code registered vide First Information Report (FIR) No.20/12/2022 with Solapur Taluka Police Station.
3. The applicant is the husband of the deceased. The applicant along with three others (in-laws of the deceased) are arraigned as accused. The FIR was lodged by the first

informant- father of the deceased on 20/12/2022 at about 22:35 hour. The applicant was arrested on 20/12/2022. The charge-sheet was filed on 18/03/2023. The marriage was solemnized on 16/06/2021. The in-laws of the deceased have been enlarged on bail. In the FIR, it alleged that after the marriage the applicant and in-laws of the deceased were ill-treating her for demand of dowry. Rs.60,000/- was paid thereafter further demand of Rs.20,000/- was made which was also paid. In the FIR, it is then stated that 5 months prior to the incident when the deceased had come home during pregnancy, the deceased informed her parents that the in-laws were harassing her as a girl child was born instead of a boy. In section 164 statement of the complainant recorded on 03/01/2023, it is stated that apart from the aforementioned sums, the applicant demanded a sum of Rs.1,50,000/- as dowry. The applicant was ill-treating her on this count. It is stated that again a demand of Rs.2,00 000/- was made. Learned APP as well as learned counsel for the complainant submitted that it was on account of such ill-treatment and harassment that the deceased took the extreme step. Prima facie, it seems that

there are some improvements in section 164 statement indicating that the demand for dowry was made just proximate in time to the date of the incident. The allegations are against the husband as well as his relatives who were staying together. The in-laws of the deceased have been enlarged on bail. The applicant is in custody for almost 14 months. I am informed that even charge has not been framed. The applicant will face the consequences if found guilty. The trial is not likely to conclude any time soon. Further custody will only be by way of a pre-trial punishment in the facts and circumstance of the case. The investigation is complete. The charge-sheet has been filed. Hence the following order.

ORDER

(a) The application is allowed.

(b) The applicant- Samir Dadamiya Shaikh in connection with FIR No.1024 of 2022 with Solapur Taluka Police Station, shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.

(c) The applicant shall report to the Investigating Officer of the concerned police

station once in three months on first Monday of the concerned month between 11.00 a.m. and 1.00 p.m. commencing from March 2024.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicant shall not enter the village Honsal till further orders of the trial Court.

4. The application is disposed of.

(M. S. KARNIK, J.)