

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

**ANTICIPATORY BAIL APPLICATION NO. 944 OF 2024**

|                                        |              |
|----------------------------------------|--------------|
| Mrs. Tabssum Nisha Mohd. Saquib Shaikh | ..Applicant  |
| Versus                                 |              |
| The State of Maharashtra               | ..Respondent |

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Mr. Moin Khan for Applicant.  
Mr. Avinash A. Naik, APP for State/Respondent.

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**CORAM : SARANG V. KOTWAL, J.**  
**DATE : 8 APRIL 2024**

**P.C. :**

1. The Applicant is seeking anticipatory bail in connection with C.R.No.850 of 2024 registered at Mumbra Police Station, District Thane, on 27.02.2024, under section 306 r/w. 34 of the Indian Penal Code.
2. Heard Mr. Moin Khan, learned counsel for the applicant and Mr. Avinash Naik, learned APP for the State.
3. The F.I.R. is lodged by one Mohammad Malik @ Shaikh in respect of suicide committed by his brother Mohammad Saquib Shaikh. The present applicant is the wife of the deceased.

The deceased and the applicant had three sons aged 11 years, 9 years and 5 years. The deceased was staying with the applicant and their children from 2016, at Mumbra. He was having his own business of travels. On 27.02.2024, he committed suicide in his own house by hanging himself. The informant had gone there because the deceased was unreachable. There he saw that the deceased was in hanging position. He called the others and the police were informed. The deceased was declared dead in the hospital. There was a suicide note left behind by the deceased. In that suicide note, he had blamed the present applicant and her parents. It was mentioned that the applicant was having an affair with a boy. The deceased could not tolerate that and, therefore, he was committing suicide as he had lost his honour. It was mentioned that, because of the act of the applicant, he was in depression. On these allegations the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the allegations in the F.I.R. are not true. The circumstances under which suicide note is recovered are not clear. He submitted that, even otherwise, taking the prosecution case as it is, at the highest,

it cannot be said that the ingredients of Section 107 r/w. 306 of the I.P.C. are made out in the present case. The applicant had lodged her own N.C. on 17.09.2023 at Tardeo police station mentioning that the deceased was suspecting her character and was harassing her. He submitted that the suicide note itself mentions that the deceased was in depression. The applicant was not staying with the deceased, therefore, there is no connection between the applicant and the act committed by the deceased.

5. Learned APP opposed these submissions. He submitted that, there is an F.I.R. pending against the present applicant under the Protection of Children from Sexual Offences Act, wherein, it is alleged that she had kept physical relations with a minor boy. Therefore, the allegations in the suicide note are not unsubstantiated. He submitted that the acts of the applicant had driven the deceased to commit suicide. The offence is serious and, therefore, the applicant cannot be protected U/s.438 of the Cr.p.c.

6. I have considered these submissions and I have perused the investigation papers. The suicide note refers to the

applicant and her parents and also refers to his belief that the applicant was having an affair with somebody else who is named in the suicide note. I find substance in the submission of learned counsel for the applicant. The past record shows that the applicant herself had lodged an N.C. at Tardeo police station because the deceased was suspecting her character and on that ground he was harassing her. There used to be frequent quarrels between them. The F.I.R. mentions that, prior to the incident the applicant had left the house of the deceased and had started residing with her parents. Thus, on the date of incident, there was no proximity of any act committed by the applicant which could have driven the deceased to commit suicide. The suicide note does mention that, the deceased was feeling depressed. In this view of the matter, the applicant's custodial interrogation is not necessary. It is sufficient if she co-operates with the investigation.

7. Hence, the following order :

### **ORDER**

- i) In the event of her arrest in connection with C.R.No.850 of 2024 registered at Mumbra Police

Station, District Thane, the applicant is directed to be released on bail on her executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- iii) The Application is disposed of.

**(SARANG V. KOTWAL, J.)**