



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.208 OF 2024

Mohammad Parvez s/o Mohammad Farooque and others
Vs.

The State of Maharashtra, Through Police Station Officer, Police Station,
Juni Kamptee, District Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Muzammil Husain, Advocate for applicants.
Ms. H. N. Prabhu, APP for respondent /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 10/04/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.160/2024, registered with Police Station Juni Kamptee, District Nagpur for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code, the applicants approached this Court for grant of pre-arrest bail.

2. Applicant No.1 is the husband and the applicant Nos.2 and 3 are the in-laws of the deceased. It is alleged by the informant that his daughter Salma was married with the applicant No.1 on 07.06.2020 and she was blessed with one son. During her cohabitation with the applicant No.1, she was ill-treated by the applicant No.1 and her in-laws for the trifle reasons that she is not doing the household work properly. She was continuously harassed by the present applicants for illegal demand

and for the domestic reasons. Being fed up with the same, she committed suicide on 14.05.2023. On the basis of the said report, police have registered the crime against the present applicants.

3. It is submitted by the learned Counsel for the applicants that general allegations are made against the applicants. In fact, the deceased was cohabited properly with the applicant No.1 and there was no dispute between them. Merely by taking disadvantage of the death of the deceased, this false FIR is lodged. The custodial interrogation of the presents is not required and they be protected by granting anticipatory bail.

4. Learned APP for the State strongly opposed the said application on the ground that the deceased has committed suicide within three years of her marriage and there is a specific allegation against the present applicant No.1, who used to assault her for the trifle reason and also demanded the amount unlawfully. On the basis of the same, the crime is registered. She submitted that considering the specific allegation against the applicant No.1, the application deserves to be rejected, who has instigated and abetted the deceased to commit the suicide.

5. Having heard the learned Counsel for the applicants and learned APP for the State, perused the

recitals of the FIR. There is a specific allegation against the applicant No.1, who used to assault the deceased for the domestic reasons as well as by demanding the amount from time to time. She was also taken to the hospital on 14.05.2023, but she was declared dead. The deceased has committed suicide due to continuous harassment at the hands of the applicant No.1. As far as the applicant Nos.2 and 3 are concerned, general allegations are made against them that they used to instigate the applicant No.1 to harass the deceased.

6. Considering that no specific allegations are made against the applicant Nos.2 and 3, they can be protected by granting anticipatory bail. As far as the applicant No.1 is concerned, against whom the specific allegations are made and therefore, his custodial interrogation is required. In view of that, the application deserves to be allowed partly. Accordingly, I proceed to pass following order.

ORDER

(i) The application is allowed partly.

(ii) In the event of arrest in connection with Crime No.160/2024, registered with Police Station Juni Kamptee, District Nagpur for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code, applicant **No.2. Nasreen Fatma w/o Mohammad Farooque and No.3 Mohammad**

Farooque s/o Mohammad Khurshid shall be released on anticipatory bail, on executing PR bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.

(ii) The prayer of anticipatory bail of applicant No.1 is hereby rejected.

(iii) The applicant Nos.2 and 3 shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(iv) The applicant Nos.2 and 3 shall attend the concerned Police Station as and when required for the investigation purpose.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)