



**THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.479 OF 2024
Shaistabi Sheikh Najir and ors

..VS..

**The State of Maharashtra, through Police Station Umarkhed,
Yavatmal (Maharashtra)**

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

Court's or Judge's Order

Shri S.K.Kungwani, Counsel for the Applicants.
Shri U.R.Phasate, Additional Public Prosecutor for the State.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : 30/08/2024

1. Apprehending their arrest at the hands of the police in connection with Crime No.284/2024 registered with the non-applicant/police station for offences punishable under Sections 304-B and 306 read with 34 of the Indian Penal Code, applicants have preferred this application for grant of pre-arrest bail.

2. Applicant No.1 is sister-in-law who is sister of the husband of Reshma (the deceased); applicant No.2 is sister-in-law who is wife of co-accused Sheikh Asif who is brother of the husband of the deceased, and applicant No.3 is the mother-in-law of the deceased.

3. The crime is registered on the basis of report lodged by Sheikh Mujamil Sheikh Khalid, who is the brother of the deceased. As per his report, he alleged that marriage of his sister Reshma was performed with co-accused Sheikh Tausif and after marriage, she resumed cohabitation at matrimonial house. However, she was not treated well and continuously she was harassed for demand of Rs.50,000/-. On that ground, she used to be assaulted and abused continuously. Being fed up with the harassment at the hands of applicants, she committed suicide by hanging herself on 20.4.2020. On the basis of the said report, the police registered the crime against applicants and other co-accused.

4. Learned counsel Shri S.K.Kungwani for applicants, submitted that as far as the harassment is concerned, the marriage of the deceased was performed on 6.3.2019 and, thereafter, the deceased had two daughters by the said wedlock. There was no complaint by the deceased as to the harassment. As the deceased committed suicide for some other reasons, the informant taking disadvantage of the same, filed this false report. He further submitted that the husband of the deceased is

already released on regular bail by this court. In view of that, custody of applicants is not required and, therefore, they be protected by granting them anticipatory bail.

5. Learned Additional Public Prosecutor Shri U.R.Phasate for the State, has opposed the application on ground that the deceased was harassed to the extent that she driven to commit suicide. The death of the deceased is caused within seven years of her marriage at her matrimonial house in a suspicious circumstance. In view of that, the application deserves to be rejected.

6. Having heard learned counsel for applicants and learned Additional Public Prosecutor for the State and perused investigation papers, it reveals that allegations against applicant No.3, who is the mother-in-law of the deceased, are that she induced to instigate other co-accused i.e. husband of the deceased and on her instigation, the husband of the deceased used to assault, abuse, and harass the deceased.

7. Insofar as applicant Nos.1 and 2 are concerned, perusal of the First Information Report and various statements recorded during investigation shows that

general allegations are made against them.

8. As regards applicant No.3, though there is specific allegations against her, considering the husband of the deceased is already released on bail by this court and investigation is practically completed, as various statements are already recorded by the investigating officer, applicants have made out a case for grant of anticipatory bail.

9. In this view of the matter, I proceed to pass following order:

ORDER

(1) The Criminal Application is **allowed**.

(2) In event of arrest of applicant No.1 - Shaistabi Sheikh Najir; applicant No.2 - Tabasum Sheikh Asif, and applicant No.3 - Jubedabi Sheikh Daulat, they be released on bail in connection with Crime No.284/2024 registered with the non-applicant/police station for offences punishable under Sections 304-B and 306 read with 34 of the Indian Penal Code, on they executing a P.R.Bond in the sum of Rs.25,000/- by each of them with one solvent surety of the like amount.

(3) That, they shall attend the concerned police station as and when their presence is required by the investigating officer for investigation purpose.

(4) That, they shall not enter into vicinity of village Umarkhed, district Yavatmal.

(5) That, they shall attend proceedings before the Trial Court after filing of chargesheet without seeking any exemption, unless there are exceptional circumstances.

(6) That, they shall not induce threat or promise to any witnesses who are acquainted with facts of the present case.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!