



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 ANTICIPATORY BAIL APPLICATION NO. 71 OF 2024

1. SHABANA W/O ASLAM SHAIKH
2. ASLAM S/O POPAT SHAIKH

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Sayyed Tauseef Yaseen
APP for Respondent/State: Mr. N. B. Patil

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CORAM : ARUN R. PEDNEKER, J.

DATE : 07th JANUARY, 2025

PER COURT:

1] Heard learned counsel for the applicants and the learned APP for the respondent-State.

2] The applicant is apprehending arrest in connection with Crime No.771/2023, registered at Karjat Police Station, Ahmednagar, for the offences punishable under Sections 306, 324, 323, 504, 506 of IPC.

3] This court by interim order dated 18.01.2024 has protected the applicants. It is stated that the investigation in the matter is over and the charge-sheet is filed.

The case against the applicants is that they have assaulted the deceased on 12.11.2023 on account of which he has committed suicide.

Prima facie, it appears that there was some kind of relations of the deceased with applicant no.1, on account of which

there was some dispute between the deceased and the applicant and on 12.11.2023 there was some scuffle cum assault on the deceased by the applicants. On 13.11.2023 from the statement of the mother of the deceased it appears that the deceased had asked her some money at 08:00 p.m. for consuming alcohol and she having refused to give money. Between night of 12.11.2023 and 13.11.2023, it appears that the deceased had consumed poison and he passed away in the morning hours at about 09: 15 a.m., on 13.11.2023.

4] Prima facie, the applicability of Section 306 of IPC to the facts of the instant case is doubtful in view of the settled law as laid down in the case of **Nipun Aneja and others Vs. State of Uttar Pradesh, in Criminal Appeal No.654 of 2017, dated 03.10.2024.**

5] Considering that the investigation is over and the charge-sheet is filed, the interim protection granted by order dated 18.01.2024 stands confirmed, on the following terms:

- i] The applicants shall attend the police station as and when required by the Investigating Officer.
- ii] The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.
- iii] The applicants shall co-operate with the investigation and also in the proceedings before the trial Court.

6] In the event, the applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.

7] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

8] The application stands disposed of.

[ARUN R. PEDNEKER, J.]

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