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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 4464 OF 2024 IN APPEAL/977/2024

1. Saleem Jainuddin Shaikh
Age- 28 years, Occu.: Labour,
R/o. Dilawarnagar, Beed,
Tq. & Dist. Beed.
 2. Maidabee Jainuddin Shaikh
Age – 63 years, Occu.: Homemaker,
R/o. Dilawarnagar, Beed.
Tq. & Dist. Beed
- ... Applicants.

VERSUS

The State Of Maharashtra

... Respondent

.....
Mr. Sudarshan J. Salunke, Advocate (through V.C.) for Applicant
Mr. P.K. Lakhotiya, APP for Respondent – State
.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 10 FEBRUARY 2025

PRONOUNCED ON : 11 FEBRUARY 2025

PER COURT :-

1. The instant application is filed for suspension of sentence and grant of bail on account of conviction recorded by learned Additional Sessions Judge-2, Beed dated 19.09.2024 in Sessions Case No.125 of 2018.

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2. Learned counsel for applicants submitted that, applicants were tried vide above Sessions Case for offences 498-A, 304-B and 306 read with Section 34 of the Indian Penal Code (IPC) along with three others. Vide above judgment in above Sessions Case, only present applicants are held guilty that too only for offences under Section 498-A, 304-B and 306 read with Section 34 of IPC. Learned counsel submitted that marriage is of 26.10.2017, and the deceased alleged commit suicide on 12.01.2018. According to him, informant-mother herself has testified that her daughter had stayed three months with her after marriage. Even omnibus and general allegations are levelled about subjecting deceased to cruelty in the backdrop of alleged demand of Rs.50,000/-. The learned counsel pointed out that there are no specific allegations regarding the form or nature of the ill-treatment, and that mere cruelty is attributed. That, on same set of evidence, other accused are acquitted. That, the present applicants are husband and mother-in-law of deceased. That, during the trial, they were on bail. That, Sessions Case is of the year 2018, and of conviction is rendered in the year 2024. That, appeal against the same has been preferred, which would take long time to hear. Therefore, learned counsel seeks grant of relief of suspension of sentence as

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well as bail.

3. The above application is opposed by learned APP on the ground that barely after few days of marriage, applicants-husband and mother-in-law put up demand of Rs.50,000/- for purchasing centreing material on account of which non fulfillment, there was harassment and physical as well as mental cruelty. That, deceased frequently report her mother-in-law when she came home, and even she pass such information regularly on telephone. That, she has hanged herself only because of demand and harassment. That, there is no other reason. Therefore, for all above reasons, learned APP seeks rejection of application of suspension of sentence as well as bail.

3. Heard. Perused the papers. It is emerging that, on report of PW-2, crime was registered at Peth Police Station, Beed for offences punishable under Sections 498-A, 306 read with Section 34 of IPC, and after husband and in-laws were charge-sheeted before learned Additional Sessions Judge-2, Beed. He conducted the trial, and by judgment and order dated 19.09.2024, convicted only husband and mother-in-law and acquitted rest of the accused. Against the same, appeal is now shown to be preferred, and by the present application, relief of

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suspension of sentence and grant of bail are pressed into service. Statement of informant-mother, who set law into motion is visited. It does appear that marriage is of 26.10.2017. Informant claims that her daughter came and resided for three months with her and the she alleges visit of present applicants to take her back, and at that time, they allegedly put up demand of Rs.50,000/-. She further deposed that she assured them about payment, but later point of time and the deceased was also allowed to be taken.

4. Considering the date of marriage and the date of suicide coupled with oral testimony of mother regarding the deceased's stay with her for three months. The allegations of prosecution that there was demand, and harassment barely after few days does not reconcile with the testimony of the informant-mother. The deceased had hanged herself. Neighbouring witnesses claimed that door of the room in which she hanged herself was locked from inside. Informant claimed regular telephonic talk of deceased with her about demand and harassment, however, CDR unfortunately not find place in the charge-sheet. Even otherwise, during the trial, applicants were said to be on bail. Out of five accused, two are held guilty and the appeal against

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the same is preferred, which is of the year 2024, and there being no immediate prospects of hearing the appeal and applicants were on bail during the trial, relief as prayed deserves to be granted. Hence, the following order is passed :-

ORDER

- (i) Criminal Application stands allowed.
- (ii) The substantive sentence imposed on the applicants Saleem Jainuddin Shaikh and Maidabee Jainuddin Shaikh in Sessions Case No. 125 of 2018 by learned Additional Sessions Judge-2, Beed on 19.09.2024 stands suspended till the final hearing and disposal of Criminal Appeal No.977 of 2024.
- (iii) The applicant be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with two solvent sureties in the like amount.
- (iv) The applicant shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the appeal, commencing from the date he tenders bail papers and thereafter, the trial Judge to fix dates for his subsequent

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appearances.

- (v) In case of two consecutive defaults on the part of the applicant to remain present before the trial court, the trial court to inform this court about the same and in that eventuality, the prosecution would be at liberty to file an application for cancellation of bail granted to the applicant.
- (vi) Bail before the trial court.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane