

Order below Exh.1 in Cri. Bail Application No.210/2022.
{ Rais Ibrahim Shaikh Vs. State }

This is application under section 439 of the Criminal Procedure Code for grant of bail pending trial.

2. The present application is moved by the applicant-accused Rais Ibrahim Shaikh praying to release him on bail in connection with the CR No.4/2022 registered with Sinnar Police Station under section 306 of the Indian Penal Code (hereinafter referred to as “IPC” for short).

3. It is alleged that incident took place on 31.12.2021, FIR was lodged on 5.1.2022, applicant-accused was arrested on 5.1.2022 and was sent to police custody till 12.1.2022 and since then he is in Magisterial custody.

4. It is stated in the application that, applicant-accused and deceased were in love affair with each other. They were on visiting terms with each other. They both were from different community/religion. It is further stated that she has not left any chit. The present applicant-accused is arrested only on suspicion as there was love affair between him and deceased. Nothing was seized from him during the period of police custody. Prima-facie no case under section 306 of IPC is attracted, he is ready to abide all conditions laid down by this court, these and other grounds set out in the application, prayed to allow the application.

5. The application is strongly opposed by the state. I.O. submitted his report dated 22.2.2022 at Exh.5 and objected the bail application stating that the offence is serious and it is

attracted against woman. Accused established his love relation with deceased. He had promised to marry with her and subsequently he refused the same. The deceased was pregnant at the time of her death. The DNA sample of the accused and fetus were taken and sent to C.A. I.O. has expressed her grievance that the accused and witnesses are residents of Sinnar itself and therefore, there is threat to the life of witnesses. The accused may pressurize the witnesses.

6. Perused the record. Heard both parties.

7. On perusal of the record, it appears that the deceased is divorcee and was residing with her grand parents and her sister, however, during COVID-19 situation her grand parents died due to COVID-19 and marriage of her younger sister also taken place and therefore, since then she was residing alone in the house, meanwhile deceased had love relations with the applicant-accused, who was frequently visiting with her. Investigation done so far discloses that on 30.12.2021 she was speaking on a mobile and also quarreling with someone on the other side. The said incident had occurred at about 3.00 to 3.30 p.m. and on the same day at 6.30 p.m. a person was sent by applicant-accused, who was knocking the door of the deceased. He opened the door of the house of deceased and saw that deceased had committed suicide. This person has disclosed the suicidal death of the deceased to the witnesses and thereafter, the police entered on the scene of occurrence.

8. Thus, from the entire episode, it appears that deceased has committed suicide. So far as issue of abetment is

concerned, it is matter of investigation and evidence. API Mali representing the I.O. has submitted that charge-sheet is ready and practically in all respect investigation is over. The investigation papers are to be sent for scrutiny to the higher authority and after scrutiny, charge-sheet will be filed in the court within a short period of time. It is also matter of record, applicant-accused is in jail since 5.1.2022. No purpose will be served by keeping the applicant-accused behind the bar. So far as apprehension to the prosecution that he will pressurize the witness, said apprehension can be taken care by imposing appropriate conditions. Hence, following order is passed.

ORDER

1. Application is allowed.
2. Applicant-accused Rais Ibrahim Shaikh, in connection with the CR No.4/2022 registered with Sinnar Police Station under section 306 of the Indian Penal Code, be released on bail on executing bond of Rs.30,000/- with one or two sureties in like amount.
3. He shall not abscond or tamper with the prosecution witnesses.
4. He shall furnish his address proof aadhar card of his two near relatives alongwith mobile numbers.
5. He shall not enter into the jurisdiction of Sinnar Police Station, except to attend the Sinnar Police Station regarding the investigation purpose as and when required by the Investigating Officer.

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6. In the event of breach of any of the conditions, his bail bond shall be liable to be cancelled.
7. Bail in lower Court.

Date: 24.02.2022

(M. A. Shinde)
Additional Sessions Judge-8,
Nashik.