

# Sayyed Lal Amir Sayyed And Others vs The State Of Maharashtra on 11 April, 2019

**Author: V. K. Jadhav**

**Bench: V. K. Jadhav**

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

925 BAIL APPLICATION NO.396 OF 2019

1.	Sayyed Lal Amir Sayyed	
2.	Aalim Sayyedlal Sayyed	
3.	Tayra Sayyedlal Sayyed	
4.	Raju Shaikhlal Shaikh	...Applicants

versus

The State of Maharashtra	...Respondent
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Advocate for Applicants : Mr. Shaikh Mazhar A. Jahagirdar  
APP for Respondent-State: Mr. V.M. Kagne  
.....

CORAM : V. K. JADHAV, J.  
DATED : 11 th APRIL, 2019

PER COURT:-

1. The applicants are seeking bail in connection with crime No. I-196 of 2019 registered with Shrirampur City police station, District Ahmednagar for the offences punishable under Sections 498(A), 306, 323, 504, 506 r.w. 34 of I.P.C. Their application bearing criminal bail application No. 42 of 2019 with similar prayer came to be rejected by the learned Additional Sessions Judge, Shrirampur vide order dated 20.03.2019.

2. Learned counsel for the applicants submits that the marriage of deceased Asma with co-accused Salim Sayyed Lal Sayyed was performed way back in the year 2011. So far as the present

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applicants are concerned, there are allegations to the extent that deceased Asma was subjected to ill-treatment on account of some domestic work. She was not doing the domestic work properly and even talking her mother-in-law in arrogant manner. Learned counsel submits that she had given birth to two sons after a long period of co-habitation. In the year 2017, deceased Asma had initiated proceeding under the provisions of Protection of Women from Domestic Violence Act 2005. However, the said proceeding ended into compromise and accordingly deceased Asma had resumed cohabitation with her husband. Learned counsel submits that the allegations have been made mainly against the husband that he used to beat deceased Asma under the influence of liquor. Learned counsel submits that no specific incident has been quoted after resumption of the cohabitation in the year 2017 till the alleged suicidal death of deceased Asma. Learned counsel submits that it is difficult to believe that right from the beginning i.e. after some months of marriage, the applicants alongwith co-accused had started demanding an amount of Rs.50,000/- and deceased Asma was subjected to ill-treatment for several years on that count. Learned counsel submits that the applicants are in jail since 11.3.2019. There is no question of

tampering with the prosecution evidence. They are easily available for trial. The investigation is almost over for all practical purposes. The applicants are ready to co-operate the investigating officer, if so

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required. The applicants may be released on bail.

3. Learned A.P.P. has strongly resisted the application on the ground that there are specific allegations in the complaint as against all applicants. The applicants have given ill-treatment to deceased Asma on several counts, including non fulfillment of demand of Rs.50,000/- etc.. They used to scold and abuse her on petty reasons and deceased Asma used to disclose about the said ill-treatment to her parents. Investigation is still in progress. The application may be rejected.

4. On going through the allegations made in the complaint and on perusal of investigation papers, it appears that the marriage of deceased Asma with co-accused Salim had taken place way back in the year 2011. Even deceased Asma had given birth to two sons. It has been alleged in the complaint that right from the beginning i.e. two months after the marriage, deceased Asma was subjected to ill-treatment on account of non payment of balance amount of dowry of Rs.50,000/-. It further appears that in the year 2017 deceased Asma had initiated proceeding under the provisions of Protection of Women from Domestic Violence Act 2005. However, the said proceeding

ended into compromise and thereafter deceased Asma had started  
cohabiting with the co-accused, her husband. I do not find any

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specific instance after the year 2017 indicating that deceased Asma  
was subjected to ill-treatment. There are general allegations about  
the same. It further appears that all family members are implicated in  
the crime. After the year 2017, there are general allegations as  
against the present applicants about giving ill-treatment to deceased  
Asma by abusing her etc. Thus, considering nature of the  
allegations and since further detention of the applicants in jail is  
unwarranted and uncalled for, I am inclined to release the applicants  
on bail. The applicants are easily available for trial. There is no  
question of tampering with the prosecution evidence. The applicants  
can be directed to co-operate with the investigation, if so required.  
Hence the following order:-

#### ORDER

I. Application is hereby allowed.

II. The applicants (1) Sayyed Lal Amir Sayyed, (2) Aal  
Sayyedlal Sayyed, (3) Tayra Sayyedlal Sayyed and (4) Raju

Shaikh, in connection with crime No. I-196 of 2019 registered with Shrirampur City police station, District Ahmednagar for the offences punishable under Sections 498(A), 306, 323, 504, 506 r.w. 34 of I.P.C. be released on bail on furnishing personal bond of Rs.15,000/- each with one surety each of the like amount on following conditions:-

a) The applicants shall not tamper with the prosecution ba396.19 evidence in any manner.

b) The applicants shall attend the concerned police station once in a week i.e. on every Sunday between 8.00 a.m. to 11.00 a.m. till filing of charge sheet.

III. Application is disposed of.

( V. K. JADHAV, J.)

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