

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2211 OF 2015

Mina w/o Raosaheb Jadhav

...Applicant

versus

The State of Maharashtra and another

...Respondents

.....
Mr. R.S. Deshmukh, Advocate for the applicant
Mr. A.V. Deshmukh, APP for the respondents
.....

CORAM : V. K. JADHAV, J.
(VACATION COURT)

DATED: 22nd MAY, 2015

P.C. :-

1. Heard learned counsel for the applicant and the learned A.P.P. for the respondents. Read the application.

2. On the basis of complaint lodged by victim Alka, crime No. 23 of 2015 came to be registered at Police Station Ardhapur, District Nanded for the offences punishable under Sections 307, 498(A), 323, 504, 506 r.w. 34 of I.P.C. The complainant Alka is the wife of accused Sachin. After the marriage, she was not treated well for various reasons. Finally she was driven out of her matrimonial home. She went to reside at her parent's house. It is alleged that the main incident occurred on 8.3.2015. On that day the present applicant and other co-accused persons attempted to kill Alka by pouring kerosene on her person and tried to set her on fire. On the

basis of these allegations, applicant apprehends her arrest at the hands of police. Thus she preferred this application for pre-arrest bail. Her application for similar prayer came to be rejected by the learned Additional Sessions Judge, Nanded by order dated 10.4.2015 in Criminal application No. 194 of 2015.

3. It is alleged in the complaint that the present applicant caught hold the hairs of the complainant at the time of incident. So far as the husband and father in law of the complainant Alka are concerned, they are released on bail after their arrest. The learned Additional Sessions Judge, Nanded in his order while releasing them on bail has observed that first injury certificate issued by Primary health Center, Ardhapur in respect of alleged burn injuries sustained by the complainant Alka is silent about the burn injuries. The learned Judge even in para 6 of the order passed in Misc. Criminal application No. 151 of 2015 has observed that the certificate issued by Primary Health Center, Ardhapur in respect of alleged burn injuries sustained by the complainant Alka is silent about sustaining burn injuries that too even 10%. The learned Judge has rejected the application for anticipatory bail on the ground that there appears prima facie accusation and serious allegations against the applicant.

4. The learned A.P.P. has produced the investigation papers. On perusal of same, initial certificate issued by Primary Health Center, Ardhapur is not kept by the Investigating Officer in the file. Apart from this, on the same set of allegations, with such observations, the learned Judge

has released co-accused on bail. In the same set of allegations, there is no reason to reject the anticipatory bail application of the present applicant. The custodial interrogation of the present applicant in the given set of allegations is not required. The applicant is not likely to abscond. There is no question of tampering with the prosecution evidence in any manner. Hence, the following order:-

ORDER

- I) The application is hereby allowed.
 - II) In the event of arrest of applicant Mina Raosaheb Jadhav, in crime No. 23 of 2015 registered with Ardhapur police Station, District Nanded she be released on bail on furnishing personal bond of Rs.20000/- (Rupees Twenty thousand only) with one surety of like amount.
 - III) Application stands disposed of.
5. Parties to act on authenticated copy of this order.

(V. K. JADHAV, J.)
(VACATION COURT)

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