

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

CRIMINAL APPLICATION NO. 2375 OF 2015

Sunil s/o Sitaram Pawar

.... APPLICANT

V E R S U S

The State of Maharashtra

.... RESPONDENT

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Mr. P.S.Dighe, Advocate for Applicant.

Mrs. Pratibha Bharad, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 26th JUNE, 2015

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PER COURT :

1. This is an application for grant of anticipatory bail by the husband in connection with Crime No. 27/2015 registered with M.I.D.C. Paithan police station, District Aurangabad for the offences punishable u/s 307,498-A,342,323 read with 34 of the Indian Penal Code.

2. Heard Mr. P.S.Dighe, learned counsel for the applicant and Mrs. Pratibha Bharad, learned A.P.P. for respondent – State.

3. Learned A.P.P. submitted that during the pendency of the present application, investigating agency has already completed its entire investigation and challan is

already presented before the Court of law.

4. Injured is Vaishali. She is wife of present applicant. Her statement was recorded by police when she had been indoor patient at Ward No. 22 at Ghati hospital, Aurangabad. Said statement was treated as F.I.R. and the offence was registered. Said statement would reveal that the incident has occurred on 31/03/2015 in the matrimonial house of Vaishali. Applicant was demanding that firstly Vaishali should prepare tiffin box for him. Upon that, Vaishali replied that first she will be consoling their boy. That time, present applicant gave shoe beating and mother-in-law gave fist blows to her. Thereafter, according to the F.I.R., Vaishali was kept inside. After some time, present applicant and mother-in-law again came in the house. Immediately, present applicant left the said room. Thereafter, mother-in-law poured kerosene and set Vaishali ablaze. Thus, in the F.I.R., in respect of the incident in which Vaishali suffered burn injuries, no overt act is attributed to the present applicant.

From the charge sheet, learned A.P.P. pointed out the statement of Vaishali recorded by the Special Executive Magistrate, wherein she has taken complete somar-sault, in so far as role of present applicant is concerned. In the said statement, she has stated that present applicant caught hold Vaishali and thereafter kerosene was poured by mother-in-law and she was set ablaze.

5. It is reported that Vaishali is already discharged from the hospital, thereby converting the offence in more

grievous one is ruled out. Mother-in-law is already arrested and she is behind bar. Looking to the fact that in her first statement, no role is attributed in so far as incident of burning is concerned and in view of the fact that the charge sheet is already filed, custodial presence of the present applicant is not warranted. That leads me to pass the following order.

- (i) Present Criminal Application is hereby allowed.
- (ii) In the event of his arrest in connection with Crime No.27/2015 registered with M.I.D.C. Paithan police station, District Aurangabad for the offences punishable u/s 307,498-A,342,323 read with 34 of the Indian Penal Code, applicant Sunil s/o Sitaram Pawar be released on anticipatory bail on he executing P.R. Bond of Rs.10,000/- [Rupees Ten Thousand] with one solvent surety of like amount.
- (iii) Present applicant shall not cause any threat to the first informant Vaishali.
- (iv) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]