

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

CRIMINAL APPLICATION NO. 5394 OF 2015

1. Sau. Mangala Arvind Dhupkal,
R/o C-304, Isha Erika Apartment,
Near to D. S. K. Vishwa Gate,
Dhayari, Pune-41
 2. Sau. Deepali @ Shubhangi Ramesh
Choudhari,
R/o. Karwand Phata, Shirpur,
Tq. Shirpur, District Dhule
- ...Applicants

versus

The State of Maharashtra & anr. ...Respondents

...

Mr. C. R. Deshpande, Advocate for the applicants
Mr. R.B. Bagul, Addl. Public Prosecutor for respondent/State

...

CORAM : N.W. SAMBRE, J.

DATE : 27th OCTOBER, 2015

ORAL ORDER :

The present applicants are seeking pre-arrest bail in Crime No. 91/2015 registered at Nandurbar Town Police Station, Dist. Nandurbar for the offence punishable under Sections 498-A, 307, 323,504 read with Section 34 of the Indian Penal Code.

2. The prosecution story is that, the applicants herein had tried to set the complainant on fire and also caused injuries to her.

3. While trying to make out the case for grant of bail, learned Counsel for the applicants would urge that the presence of the applicants at the spot itself is under doubt, in view of the fact that the applicants are sisters of husband of the victim and they are residents of some other place than the place of the incident. Apart from above, according to him, there are sweeping allegations against each of the family members and as such, the applicants are falsely implicated in crime in question.

4. He would urge that, except injuries suffered by the complainant, there is no iota of evidence to connect the present applicants to the crime in question.

5. While opposing the bail application, learned A.P.P. has relied upon statement of so called eye witnesses namely, Vaishali Chaudhari and Ushabai Bhavsar and Dattatraya so as to canvass that the applicants have tried to set on fire the victim

6. Upon careful scanning of the statements in the background of the witnesses, it is noticed that, no specific attribution about use of kerosene can and match stick so as to set the victim on fire and kerosene was poured on her body are against the applicants. The medical evidence depicts that, the complainant has suffered

simple injury which might have caused because of breaking of glass of cupboard/almira.

7. The fact remains that, the applicants are married sisters but are residing at Pune and Shirpur. In view of above, false implication of the applicants in the crime in question cannot be ruled out.

8. In view of above, it will be appropriate, in my opinion, to order the release of the applicants on bail. Hence, I propose to pass the following order :-

In the event of arrest, the applicants be released on bail, upon executing the P.R. bond of Rs.15,000/- (Rs. Fifteen thousand) with one surety in the like amount by each of them, in connection with Crime No. 91/2015 registered at Nandurbar Town Police Station, Dist. Nandurbar for the offence punishable under Sections 498-A, 307, 323, 504 read with Section 34 of the Indian Penal Code. The applicants shall attend the concerned police station on 2nd and 3rd of November, 2015 between 10.00 a. m. to 11.00 a.m. and thereafter as and when called.

9. The application stands allowed.

[N.W. SAMBRE, J.]