

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 5944 OF 2015

- 1 Damodhar s/o Mariba Sathe, Age 65 years, Occupation Nil, Resident of Dr. ambedkar Nagar, CIDCO, Aurangabad
- 2 Kantabai w/o Damodhar Sathe, Age 58 years, Occupation Household, Resident of Dr. ambedkar Nagar, CIDCO, Aurangabad
- 3 Sanjay s/o Damodhar Sathe, Age 32 years, Occupation Labour, Resident of Dr. ambedkar Nagar, CIDCO, Aurangabad
- 4 Ashok s/o Damodhar Sathe, Age 34 years, Occupation Labour, Resident of Dr. ambedkar Nagar, CIDCO, Aurangabad
- 5 Heerabai @ Kanchan w/o Sanjay Sarode, Age 27 years, Occupation Household, Resident of N-9, Pawannagar, CIDCO, Aurangabad

APPLICANTS

V E R S U S

The State of Maharashtra, Through
CIDCO Police Station, Aurangabad,
Taluka and District Aurangabad

RESPONDENT

Mr. V.D. Patnurkar, Advocate for Applicants

Mr. A.R. Kale, APP for Respondent/State

CORAM : INDIRA K. JAIN, J.

DATE : 17th November, 2015

PER COURT :

. Learned counsel for Applicants, upon instructions, submits that the application in respect of Applicant Nos.3 and 4 Sanjay and Ashok is not pressed. Application in respect to these two Applicants being not pressed stands disposed of.

2. Heard Mr. V.D. Patnurkar, learned Advocate for Applicants and Mr. A.R. Kale, learned A.P.P. for Respondent/State.

3. Prosecution case in brief is as under:-

- i Complainant Sanjay Sarode is the husband of Applicant no.5 Heerabai @ Kanchan. Their marriage was performed on 12.05.2004. The couple was blessed with a son.
- ii The facts of the case on hand are some what unusual. On 04.10.2015 complainant Sanjay had been to attend birthday ceremony of his

nephew. After the ceremony was over his wife called her relatives to the house of complainant. At that time Sanjay was sleeping on the third floor of his house. It is alleged that his brother-in-law Ashok gave kick blows and abused Sanjay for harassing Applicant no.5 Heerabai @ Kanchan. Complainant got up. Then Applicant no.1 Damodhar father-in-law, Applicant no.2 Kantabai mother-in-law and Ashok caught hold the complainant. Heerabai @ Kanchan brought kerosene can and match stick and gave it to her brother. She caught hold the neck of her husband Sanjay. Her brother Sanjay poured kerosene on complainant. Thereafter, he was set on fire with an intention to kill him.

- iii On 05.10.2015 F.I.R. came to be lodged against Applicants and investigation was set into motion. There is no eye witness to the incident. Case rests on the statement of injured and the circumstantial evidence. Injured suffered 50% burn injuries. Learned counsel for Applicants submitted that injured has been discharged from the hospital and he is out of danger.

4. Applicant nos.1 and 2 are aged about 65 and 58 years respectively. They are suffering from diabetes and hypertension. No specific role is attributed to them in pouring kerosene on the person of complainant. As mentioned in F.I.R., they caught hold the injured.

5. Applicant no.5 Heerabai @ Kanchan is wife of complainant. At the time of incident she was pregnant and she delivered a female child on 22.10.2015 while she was in magisterial custody.

6. On perusal of papers of investigation, it can be seen that investigation is almost completed. Further detention of applicants is not necessary. Since they are the relatives inter-se there would be no question of tampering with the prosecution evidence.

7. Thus considering the manner of incident, role attributed to Applicant nos. 1, 2 and 5 and the nature of offences alleged, it would be in the interest of justice to enlarge Applicant nos. 1, 2 and 5 on bail. Accordingly, the following order:-

ORDER

A] Application is partly allowed.

B] Applicant No. 1 Damodhar s/o Mariba Sathe,
Applicant No.2 Kantabai w/o Damodhar Sathe and
Applicant No.5 Heerabai @ Kanchan w/o Sanjay

Sarode be released on Bail on furnishing P.R. and S.B. of Rs.10,000/- each.

- C] Applicant Nos. 1, 2 and 5 shall not tamper with the prosecution evidence and shall make themselves available as and when required for investigation.

(INDIRA K. JAIN, J.)

SRM/17/11/2015