

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 284 OF 2015

Shalini Sangameshwar Konapure .. Applicant
V/s.
The State of Maharashtra
(At the instance of Jodbhavi Peth Police Station,
Solapur) .. Respondent

Mr. V.V. Purwant a/w Mr. Sachin Deokar for the applicant.
Mrs. Veera Shinde, APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATE : 9th March, 2015

P.C.

1. Heard.

2. This is an application u/s. 439 of Criminal Procedure Code. The applicant herein was arrested on 29th September, 2014 in Crime No. 178/2014, registered at Jodbhavi Peth Police Station for offences punishable under Sections 302,304(B),307,498(A) read with 34 of the Indian Penal Code. The investigation is completed and charge sheet is filed.

3. It is the case of the prosecution that on 29th September, 2014, Mrs. Manju Konapure wife of Vishwanath Konapure i.e. the daughter-in-law of the present applicant was admitted in the hospital by the present applicant and her son. That the son of the present applicant was married to Manju in the year 2009. That the son of the present applicant was being prosecuted for an offence punishable under section 498A of Indian Penal Code which was

registered at the behest of his first wife.

4. In the hospital the statement of the injured was recorded. She disclosed to the police that she was being harassed and ill treated at the hands of the present applicant and her son and they were demanding Rs. 50,000/- that she has received from Sugar Factory. They were also demanding the interest that she was receiving. According to her on 29th September, 2014 at about 8.00 am to 9.30 am present applicant and her son were annoyed with the fact that she was sleeping late, they woke her up, abused and beat her. Thereafter, her husband poured kerosene on her person and set her on fire. Soon, after the incident, the present applicant and her son admitted her in the hospital. She succumbed to the burn injuries on 06th October, 2014. There is a specific allegations against the son of the present applicant.

5. The statement of the injured was also recorded by the Special Executive Magistrate in the printed proforma. She has specifically stated that she has allegations against her mother-in-law and her husband. Learned counsel for the applicant submits that there is inconsistency in the two statements of the deceased. Prima facie, the inconsistencies are not material as there is specific allegations against the husband. It appears that the husband of the deceased had set her ablaze. The applicant herein is the mother of husband of deceased, aged about 62 years old. By virtue of the proviso to section 437 of Criminal Procedure Code, the applicant would be entitled to grant of bail. However, the son of the present applicant i.e. Vishwanath Konapure shall not claim parity with the present applicant under any circumstances. As the present applicant

is being enlarged on bail only by virtue of proviso to section 437 of Criminal Procedure Code. The observations are prima facie in nature and shall not to be considered for the purpose of quashing of FIR, discharge application or at the time of trial.

6. Hence following order :

ORDER

(i) The applicant be enlarged on bail on furnishing P. R. Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount.

(ii) The applicant shall report to the concerned police station on 1st Sunday of every month till the conclusion of the trial.

(iii) The application is allowed and disposed of.

(SMT. SADHANA S. JADHAV, J.)