

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 91 OF 2015

1. Balasaheb Ramchandra KateApplicants
2. Sushila Balasaheb Kate

V/s.

The State of MaharashtraRespondent

Mr. Rahul S. Kate Advocate for Applicant
Ms. P. P. Shinde APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : FEBRUARY 4, 2015

PC :

1) Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicants herein are apprehending their arrest in crime no. 520 of 2014 registered at Baramati City Police Station, initially for offence punishable under section 307, 504 r/w 34 of Indian Penal Code, subsequently charge filed under section 302 of Indian Penal Code.

2) It is the case of prosecution that son of present applicants namely Arun was married to Amrita one year prior to the date of incident. On 10/11/2014, Amrita was admitted in Giriraj Hospital with 80% burn injuries. Her

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statement was recorded by the police as it happened to be a medico-legal case. She had disclosed to the police that on 10/11/2014 at about 5.00 pm, when she was sleeping in front of the house, her husband Arun had pelted a stone at her. She did not react. At that time, there was a quarrel between husband and wife. Her husband had disclosed to her that he intends to get married to another woman. He dragged her into the house, abused her and poured kerosene on her person. He ignited a match stick and threw it at her. When she was engulfed in flames, present applicants came home. They told her husband that she should not be brought back home. She was admitted in the hospital by her relatives. She succumbed to the burn injuries on 26/11/2014. Hence, section 302 of Indian Penal Code was added.

3) Upon perusal of the statement of deceased, it is apparent that role attributed to the present applicants is that they have told their son not to bring her back home. In view of this applicants deserve bail. Observations made herein above are prima facie in nature and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
 - (ii) In the event of arrest, applicants be enlarged on bail on furnishing P. R. bond in the sum of Rs. 15,000/- and one or two sureties in the like amount.
 - (iii) Applicants shall report to the police station as and when called.
- Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)