

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 249 OF 2015

Jayshri Achyut Chaudhari

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Ashish S. Sawant for Applicant

Mr. D. P. Adsule APP for the State.

Mr. B. D. Hoval A.S.I.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : FEBRUARY 9, 2015

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 09/01/2015 in crime no. 05/2015 registered at Pangari Police Station for offence punishable under sections 306, 498 (A) r/w 34 of Indian Penal Code.

2) It is the case of prosecution that the son of the applicant was married to Sonali, daughter of Dhanraj Kisan Doke on 25/05/2014. On 05/01/2015, Sonali was admitted in General Hospital, Osmanabad with history of burn injuries. Since it was medico legal case, her statement was recorded by Special Executive Magistrate on 05/01/2015. She has disclosed in her statement that on 05/01/2015, she was cooking on stove. She did not know the functions of the stove and suddenly the stove had blasted. Her clothes caught

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fire. Her husband i.e. son of the present applicant and her brother-in-law have extinguished the flames and had admitted her in the hospital. On 06/01/2015, at about 2.00 am, her statement was again recorded by Nayab Tahsildar of South Solapur while she was admitted in Civil Hospital at Solapur. She has reiterated the reasons for catching fire. On 06/01/2015, her statement was also recorded by A.S.I. of Mohol Police Station. There also, injured had categorically stated that she has sustained accidental burns.

3) Injured Sonali succumbed to the burn injuries on 07/01/2015 at about 7.00 pm. Inquest panchanama was conducted on the dead body on 08/01/2015 at mid night. Brother of injured namely Santosh was present at the time of inquest panchanama. At that time, he has not expressed his grievances against anybody. On 08/01/2015, Dhanraj Doke i.e. father of Sonali lodged a report at the police station alleging therein that his daughter Sonali was harassed in her matrimonial home. That the members of her matrimonial family were demanding money for repair of tractor and for cultivation of the agricultural field. It is alleged that on 03/01/2015, Sonali had informed her parents that there was a demand of Rs. 10,000/- for hospital expenses. On 05/01/2015, she had sustained burn injuries. Prima facie, there is evidence in the form of dying

declaration which does not implicate present applicant. It is pertinent to note that today, Investigating Officer is present with papers of investigation. Although post mortem was conducted on the said dead body on 08/01/2015, till today, post mortem notes do not form part of papers of investigation. It is not unknown that post mortem notes are tampered with as is seen in many cases. It was incumbent upon Investigating Officer to collect the post mortem notes forthwith from the hospital and the same should have formed part of the investigation papers.

4) Applicant is a woman. She is mother-in-law of deceased Sonali. By virtue of Proviso to section 437 of Code of Criminal Procedure, 1973, applicant would be entitled to grant of bail. However, it is made clear that co-accused shall not claim parity with the present applicant.

ORDER

- (i) Application is allowed.
- (ii) Applicant 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.

Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)