

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 992 OF 2015

Bhavesh Mahendrakumar GorApplicant

V/s.

The State of MaharashtraRespondent

Mr. Nazneen Khatri i/b Raeesuddin for Applicant

Mr. S. H. Yadav APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 20th JULY 2015

PC :

Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 23/02/2015 in crime no. 319 of 2014 registered at Kurar Nagar Police Station for offence punishable under sections 498 (A), 323, 504, 114 r/w 34 of Indian Penal Code.

2) Applicant herein happens to be husband of complainant. According to prosecution, on 15/07/2014, wife of applicant lodged a report at the police station that she has got married to present applicant, 5 years prior to lodging F.I.R. The couple is blessed with a son namely Kumar Neel. They were residing in joint family. That she was meted with cruelty and ill-treatment at the hands of present applicant and other members of her matrimonial family. Her in-laws threatened her that they would get their son married second time.

She was assaulted in the intervening night on 08/07/2014 and 09/07/2014. Complainant was frustrated with ill-treatment meted out to her at the hands of present applicant and therefore, on 09/07/2014, she had poured kerosene on herself and had set herself ablaze. The neighbours had extinguished the flames and she was taken to Shatabdi Hospital. Statement of complainant was recorded in Shatabdi hospital. She was transferred from one hospital to another. On the basis of her statement, applicant and others were being prosecuted for offence punishable under section 498 (A). Wife of applicant succumbed to the burn injuries on 21/07/2014 at 7.00 p.m. at Medical College Hospital at Jamnagar. Thereafter, investigation is completed and applicant has been charge-sheeted for offence punishable under section 306 r/w 34 of Indian Penal Code.

3) Investigation is completed and charge-sheet is filed. Statement of the deceased would clearly show that she had set herself ablaze. On 10/07/2014, statement of deceased was recorded. She has reiterated that she had set herself ablaze. Applicant has been in jail for more than 4 months. Applicant deserves to be enlarged on bail. It is made clear that 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) Applicant be enlarged on bail on furnishing P. R. bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)