

Anand

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

BAIL APPLICATION NO.1167 OF 2015

Kiran Dadaso Nangare .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.J.G.Bhanushali, Advocate, for the Applicant
Mrs.Rutuja Ambekar, APP, for the Respondent –
State

CORAM : REVATI MOHITE DERE, J.

DATE : 28.08.2015

P.C.

. Heard learned counsel for the applicant
and the learned APP for the respondent – State.

2. By this application, the applicant
seeks his enlargement on bail in connection with
C.R.No.00 of 2014 registered initially with the
Miraj Town Police Station, District-Sangli and
thereafter, transferred to Hatkanangale Police
Station, Kolhapur and registered vide C.R.No.136
of 2014 for the alleged offence punishable under

Section 302 of the Indian Penal Code, 1870.

3. The alleged incident has taken place on 09.11.2014. The applicant is the husband of the deceased Kanchan. It is alleged by the prosecution that the present applicant would suspect the character of the deceased and would assault her. It is alleged that on the date of the incident i.e. 09.11.2014, there was a quarrel between the applicant and the deceased whether the deceased and her children should be sent to her maternal house. It is alleged that the present applicant brought petrol in a plastic bottle and threw the petrol on the deceased and set her on fire. In the said incident, the deceased sustained more than 95% burn injuries and the applicant sustained 85% burn injuries and the son, Prathamesh, who was also present on the spot sustained about 45% burn injuries.

4. Learned counsel for the applicant states that there are two dying declarations. The first dying declaration was made to the Magistrate on 10.11.2014 wherein she has alleged that the present applicant set her on fire on account of a quarrel between the two. The second dying declaration is dated 13.11.2014 recorded by a PSI wherein she has stated that her statement dated 10.11.2014 was given by her as she was afraid. In the statement dated 13.11.2014, she has stated that her husband was fond of her children and that she had sustained injuries as the petrol bottle which was kept in the kitchen fell on her and her saree caught fire whilst she was cooking.

5. Learned APP opposed the bail application. She has submitted that the statement of one of the sons of the deceased, Siddhant which is recorded on 11.11.2014 clearly

shows that the applicant had set the deceased on fire.

6. Perused the charge sheet. Admittedly, there are two dying declarations on record; one which exonerates the applicant and the other which implicates him. Similarly, Prathamesh, who has sustained burn injuries to the extent of 45% has also supported the applicant where as the second son Siddhant has implicated the present applicant. Admittedly, the applicant had also sustained 85% burn injuries in the said incident.

7. Considering the nature of allegations and the material on record, the applicant is enlarged on bail on the following terms & conditions:

ORDER

(i) The applicant be released on bail in connection with C.R.No.00 of 2014 registered initially with the Miraj Town Police Station, District-Sangli and thereafter, transferred to Hatkanangale Police Station, Kolhapur and registered vide C.R.No.136 of 2014 on executing P.R.Bond in the sum of Rs.15,000/- with one or two solvent sureties in the like amount;

(ii) The applicant shall not tamper or attempt to contact the complainant or any witness concerned with the said case;

(iii) The applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Hatkanangale Police Station, Kolhapur;

(iv) The applicant to co-operate with the conduct of the trial.

8. It is made clear, that the observations are prima facie for the purpose of deciding the application and the learned Judge shall conduct the case on its own merits, uninfluenced by the observations made herein.

9. The Application is allowed in the aforesaid terms and is accordingly disposed of.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)