

nsc.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1459 OF 2015**

Reshma Shaukat Mulani

...Applicant

Versus

State of Maharashtra

...Respondent

Mr.Sushant S. Prabhune, for the Applicant

Ms. Veera Shinde, A.P.P for the Respondent-State

***CORAM : REVATI MOHITE DERE, J.
DATE : 12th OCTOBER, 2015***

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks her enlargement on bail in connection with C.R. No. 42 of 2015, registered with the Baramati Taluka Police Station, Pune, for the alleged offences punishable under Sections 307, 436, 504 r/w 34 of the Indian Penal Code.
3. The deceased is the brother-in-law of the present applicant. It is alleged that there was some dispute between the husband of the applicant

and the deceased with regard to the ancestral joint family property. It is alleged that the original accused no.1 – Shaukat Nasir Mulani was demanding additional land of one acre and was continuously quarreling on account of the same. The incident in question has taken place on 6th February, 2015 at about 2.45 a.m. According to the prosecution, accused no.1 – Shaukat poured petrol on the house of the deceased as well as on Jahangir and his son – Roshan, pursuant to which Jahangir Nasir Mulani and his son - Rohsan sustained burn injuries. Jahangir, later succumbed to the burn injuries. The FIR has been lodged by Jahangir (deceased) himself, which is now treated as a dying declaration. He has stated that the co-accused - Shaukat Nasir Mulani i.e. his brother had thrown petrol on him and on his son. It is alleged that thereafter, the present applicant and her mother – Sunna Sayed who were present abused the complainant and ran from the spot.

4. Learned Counsel for the Applicant contended that the allegations of setting the house on fire and pouring petrol on the complainant and his son, is attributed to co-accused – Shaukat, and not to the present applicant.

5. Learned APP has tendered a statement of the wife of the deceased which is recorded under Section 164 of the Indian Penal Code. A perusal of the statement shows that it was accused no.1 – Shaukat, who poured petrol over the complainant and his son and that the present applicant is alleged to have abused the complainant.

6. Perused the charge-sheet. No doubt, prima-facie, the applicant was present at the spot, however, the allegations are essentially as against the accused no.1 – Shaukat. A perusal of the 164 statement shows that it was Shaukat who poured petrol on the person of the complainant and his son – Roshan. The allegation qua the present applicant is that she alongwith other co-accused abused the complainant and ran away from the spot. The role attributed to the present applicant is identical to that of the co-accused – Sunna Sayed, who is enlarged on bail.

7. Considering the aforesaid facts and the fact that the investigation is complete and charge-sheet is filed, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
 - (ii) The applicant shall attend the Baramati Taluka Police Station, Pune, on the first Saturday of every month between 10:00 a.m. to 1:00 p.m., till the conclusion of the trial ;
 - (iii) The applicant shall not tamper or attempt to influence or contact the witnesses or any person concerned with the case.
8. The Application is allowed in the aforesaid terms and is accordingly disposed of.
9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.
10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.