

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

ANTICIPATORY BAIL APPLICATION NO.1215 OF 2015

Mr. Sanjay Waman Halande & Ors. ...Applicants

Versus

The State of Maharashtra & Anr. ...Respondents

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Mr.Abdulkarim Nawabkhan Pathan for the Applicants.

Ms Veera Shinde, APP for the Respondent No.1-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 2nd DECEMBER, 2015.

P. C. :

This is an application for anticipatory bail filed by the aforesaid Applicants in apprehension of their arrest in Crime No.318 of 2015 registered with Kothrud Police station, Pune, for the offences punishable under sections 498A, 324, 323, 504 and 506 r/w. 34 of the IPC.

2. Mr. Pathan, the learned counsel for the Applicants submits that the Applicants are not involved in commission of the said crime. He has further submitted that the Applicant No.1 and the complainant are residing at Kothrud, whereas the Applicant Nos. 2 and 3 are residing at Manchi Bodakewadi, Taluka-Mulshi, District-Pune. They

visit the Applicant No.1 and the Respondent No.2 occasionally. He has further submitted that the complainant had herself poured kerosine on her body and thereafter she had dialed 100 and called the police in order to falsely implicate the Applicants in the case. He has further submitted that the Respondent No.2 had suicidal tendency. He has submitted that the Applicant No.1 had earlier filed a complaint against her for threatening him.

3. The learned APP has submitted that the statements of the witnesses including those of the neighbours prima facie reveal that the Applicants were involved in commission of said crime. She had further submitted that medical certificate prima facie supports the contentions of the Respondent No.2.

4. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties. The Applicant No.1 is the husband, Applicant Nos.2 and 3 are the mother-in-law and brother-in-law of the Respondent No.2-complainant. The Applicant No.1 and Respondent No.2 were married in the year 2001 and they have a child from the said wedlock. FIR dated 30.6.2015 lodged by the complainant reveals that she had been subjected to the cruelty since 2001. She had stated that in the year 2004 she had

attempted to commit suicide and was admitted in Krishna hospital, Kothrud, Pune. She had stated that she had not lodged a complaint as the Applicant No.1 had assured to treat her well. She had further stated that on 29.6.2015 the Applicant No.1 had assaulted her with an iron rod. She has further stated that the Applicant No.3 instigated the Applicant No.1 and told him to divorce the complainant. The Applicant No.2 poured kerosene over her body with an intention of setting her on fire. The complainant has stated that she tried to save herself and ran away inside the room and dialed 100 and called police to help.

5. The records prima facie reveal that the police had arrived at the scene of the offence and had taken the complainant to the police station and thereafter she was taken for medical examination. The medical records prima facie reveal that the Respondent No.2 had sustained injuries and was smelling of kerosene. The medical reports therefore, prima facie supports the contention of the Respondent No.2. The statements of the witnesses including the statements of the neighbour prima facie reveal that the Applicants are involved in commission of the crime.

6. Considering the nature of the allegations, in my considered view the Applicants are not entitled for anticipatory bail. Hence, the application is dismissed.

(ANUJA PRABHUDESSAI, J.)