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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1639 OF 2015**

1. Sampat Baburao Konde	
2. Surekha Sampat Konde	...Applicants
Versus	
State of Maharashtra	...Respondent

Mr.Satyavrat Joshi, for the Applicants

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

P.I - S.M.Salvi, Rajgad Police Station, Pune Rural, Pune.

***CORAM : REVATI MOHITE DERE, J.
DATE : 5th OCTOBER, 2015***

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P.
2. By this application, the applicants seek their enlargement on bail in connection with C.R. No.1 of 2015, registered with the Rajgad Police Station, Pune Rural, Pune, for the alleged offences punishable under Sections 302, 307, 498A, 504, 506 r/w 34vof the Indian Penal Code.

3. Learned Counsel for the Applicants states that the applicant no.1 is the father in law and the applicant no.2 is the mother in law of the deceased – Jyoti. He submitted that there are two dying declarations, one which exonerates the applicants and the second dated 1st January, 2015 in which the deceased – Jyoti has stated that on 28th December, 2014 the applicants had abused her and that the applicant no.2 had told her that she should not stay in the house. It is alleged that because of the same on 29th December, 2014 at around 11.00 a.m., she went into the kitchen and poured kerosene on her person. She has alleged that there was an altercation between her and her husband, pursuant to which her husband lit a matchstick and threw it on her person. She has alleged that thereafter on hearing her hue and cry, her neighbours gathered and her husband and neighbours extinguished the fire and took her to the hospital.

4. Learned Counsel for the applicants states that taking the dying declaration dated 1st January, 2015, as it stands, the quarrel between her and the applicants is stated to have taken place on 28th December, 2014 and the alleged incident had taken place the next day i.e. on 29th December, 2014. He submitted that even otherwise, the allegations in the second dying

declaration are that the husband threw a matchstick on the deceased, pursuant to which she sustained burn injuries.

5. Considering the material on record, qua the present applicants and the fact that the investigation is complete and charge-sheet is filed, the Applicants are enlarged on bail on the following terms and conditions :- :

ORDER

(i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs. 10,000/- each with one or two sureties in the like amount;

(ii) The applicants shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case ;

(iii) The applicants to cooperate with the conduct of the trial.

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

7. 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.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment/order.
