

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1476 OF 2015**

1. Satya Prakash Sudama Gupta,
2. Sharadadevi Sudama Gupta,
3. Anita Anilkumar Patva

...Applicants

Versus

The State of Maharashtra

...Respondent

Mr. Narendra Dubey I/b Mr. Avinash Kumar R. Dubey for the Applicants

Mr. Y. M. Nakhwa, A.P.P for the Respondent-State

PSI Mr. Avhad from Ghatkopar Police Station is present

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 6th OCTOBER, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. 381 of 2015 registered with the Ghatkopar Police Station, for the alleged offences punishable under Sections 498A, 306 r/w 34 of the Indian Penal Code.

3. The applicant No. 1 is the husband of the deceased; applicant No. 2 is the father-in-law and applicant No. 3 is the married sister-in-law of the deceased.

4. Deceased Babita was married to the applicant No. 1 on 27th April, 2008 and from the said marriage, there are two issues aged 6 years and 4 years. The complainant is the father of the deceased who has alleged the aforesaid offence.

5. Learned Counsel for the applicants submits that the applicant No. 3 is a married sister-in-law of the deceased and that from 1992 i.e. from her date of marriage, she was residing at Uttar Pradesh. He states that only one month prior to the incident, the applicant No. 3 had come to her parental home for Raksha Bandhan. The incident in question has taken place on 11th September, 2015 at 2:30 a.m. He submits that the applicant No. 1, the husband of the deceased heard hue and cry and hence rushed to see what had happened. He submits that the applicant No. 1 saw that the deceased was in flames and hence, held her in his arms, pursuant to which he too sustained burn injuries.

6. Learned A.P.P submits that there is a dying declaration of Babita which will show the complicity of the applicants.

7. Perused the papers, in particular, the dying declaration of the deceased Babita. In the dying declaration, the deceased has stated that after dinner on 10th September, 2015 all of them went to sleep. She has stated that at about 2:30 a.m. when she was doing the work of filling diyas, she remembered an incident of quarrel which had taken place with her husband, one month prior. Pursuant to which, she got upset, went into the kitchen and poured kerosene on her person and set herself on fire. She has stated that the applicant No. 1-husband came and extinguished the fire and took her to the hospital. She has further stated that she had no complaint against any person and neither any suspicion on any other person.

8. Considering the said dying declaration, *prima facie*, the applicants are granted anticipatory bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- each, with one or two sureties in the like amount ;

- (ii) The applicant No. 1 shall attend the concerned Police Station on the first and third Saturday between 10:00 a.m. and 11:00 a.m. till the filing of the charge-sheet;

- (iii) The applicants shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case.

- (iv) The applicants shall inform their latest places of residence and mobile contact numbers 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 concerned Police Station.

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

10. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

11. 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 Order.
