

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2345 OF 2014

Santosh Bhika Choudhari	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Sandip Shinde, for the Applicant.
Mr. J.H. Ramugade, APP for Respondent – State.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: JULY 14, 2015

P.C.:

. The application is moved for bail as the applicant/accused is facing charges for the offences punishable under Sections 307 and 323 of the Indian Penal Code in C.R. No. I-40 of 2014 registered with Vadner-Bhairav police station, Nashik.

2. The first information report was registered at the instance of one Kavita Bhusale. She was staying in live-in-relationship with the applicant/accused. She had one daughter from her husband. It is the case of the informant that on 21st April, 2014 the applicant/accused

was drunk and assaulted her with fist blows on account of suspicion. At about 11.00 p.m. the applicant/accused picked up a bottle and poured kerosene on her person and set her on fire. She suffered 34% burnt injuries due to this assault. She was admitted in the hospital. Thereafter she filed complaint. Hence, this bail application.

3. The learned counsel for the applicant/accused has submitted that the applicant is innocent. He has not committed any offence. There are no previous complaints against the applicant/accused. Hence he be released on bail.

4. The learned prosecutor opposed the bail application. He relied on the statement of neighbours viz. Nirmala Fugat and Sahebrao Fugat. So also the injury certificate. He submitted that the applicant/accused not to be bailed out.

5. Perused the first information report. On perusal of the first information report and the statements of witnesses, it is found that incident of setting informant on fire by the applicant/accused has taken place. The injury certificate discloses 34% burnt injuries

sustained to the informant. The neighbours in their statement have stated that they helped the complainant and extinguished the fire. Therefore there is immediate disclosure by the informant that applicant/accused Santosh poured kerosene and set her ablaze.

6. In view of this *prima facie* there is specific role played by the applicant/accused. It is not a case to grant bail.

7. Hence, the bail application stands rejected.

(MRS.MRIDULA BHATKAR, J.)