

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2002 OF 2016
(Raju s/o Vitthal Waghule and three others Vs. the State
of Maharashtra)

Mr. S.P. Tilve, Advocate for the applicants

CORAM : M.T. JOSHI, J.
DATE : 12/04/2016

ORAL ORDER :

1. Heard Mr. Tilve.
2. The present applicants who are apprehending their arrest at the hands of Jawahar Nagar Police Station, District Aurangabad in Crime No. 0073/2016 registered for the offences punishable under section 307 and 498A of the Indian Penal Code, are praying for their release on bail in the event of their arrest.
3. The FIR of Tanuja Pravin Waghule would show that the present applicant no. 1 – Raju Vitthal Waghule being her father-in-law, applicant No. 2 Vimal w/o Raju Waghule being her mother-in-law and applicant No. 3 Sandhya w/o Madhukar Bhalerao and applicant No. 4 Asmita @ Pramila w/o Pramod Bhuyagale, always used to illtreat

her on domestic count. On the day of incident i.e. on 10th March, 2016, all of them asked her to go away from the house. In the said incident, while applicant No. 2 Vimal had brought the kerosene, applicant No. 1 Raju had set her on fire with matchstick and rest of the applicants put the shutter to the house and all of them went away.

. Thereafter, her husband came to the house. He doused her and ultimately, she was brought to the hospital. In the hospital, her statement was recorded by the police.

4. The order of the learned Sessions Judge would show that the victim had suffered 40% burn injuries.

5. Learned counsel for the applicants submitted that the applicant No. 1 – Raju is working with Life Insurance Corporation of India and the copy of the muster roll filed on record would show that on the day of incident, he was attending his job. The applicants No. 2 and 3 were in fact in the hospital while applicant No. 4 Asmita, who is the married sister-in-law of the victim, was not even residing with the victim but was at

her matrimonial home. In all these circumstances, learned counsel submitted that though none of the present applicants were present at the spot of incident, they are falsely implicated in the offence. He further pointed the affidavits of Pooja Nitim Waghule i.e. the sister-in-law of the victim as well as the affidavit of her husband to this effect.

6. The plea of alibi cannot be considered in this application for anticipatory bail. Presently, the statement of the injured victim coupled with the injuries received by her would show that there is strong prima facie case against the applicants. In the circumstances, this is not a fit case for grant of anticipatory bail to the applicants. The application is, therefore, dismissed.

[M.T. JOSHI]
JUDGE

npj/criapln2002-2016