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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2881 OF 2016

Yogesh Bandu Pawar

..APPLICANT

VERSUS

The State of Maharashtra & anr.

..RESPONDENTS

Mr R. K. Temkar, Advocate for applicant;
Mr S. D. Ghayal, Addl. Public Prosecutor for respondents;
Mr D. D. Pokharkar, Advocate to assist Addl. Public Prosecutor

CORAM : N.W. SAMBRE, J.

DATE : 17th June, 2016

ORDER :

The applicant is seeking his release on pre-arrest bail, in connection with Crime No. 32 of 2016, registered with Rajur Police Station, Tq. Akole, Dist. Ahmednagar, for the offences punishable under Sections 306, 498-A, 323, 504 and 506 of the Indian Penal Code.

2. The alleged incident took place on 6th May, 2016, for which the complaint came to be lodged on 10th May, 2016, i.e. after delay of about 4 days.

3. The allegations against present applicant is that the applicant, who is a public servant, was married with deceased Vaishali on 26th November, 2014, ill-treated her and also physically assaulted.

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4. It is claimed that the deceased Vaishali set herself on fire and committed suicide at her home on account of ill-treatment given by the present applicant. As such, present crime came to be registered against present applicant at the behest of father of deceased Vaishali.

5. Learned Counsel appearing on behalf of applicant would submit that initially, there were differences between the applicant and the deceased Vaishali, however, subsequently, the applicant had taken Vaishali with him at the place of his residence, where they were residing together. He would then submit that on the date of incident, the applicant initially was present in the house and there was quarrel between him and the deceased Vaishali, however, there is hardly any material on record to connect the applicant to the crime for the offence punishable under Section 306 of the Indian Penal Code.

6. He would then submit that, it was not within the knowledge of the applicant that the deceased Vaishali will commit suicide because of quarrel and it was also neither his intention to commit crime, as applicant himself suffered burn injuries while trying to save deceased Vaishali from burning.

7. Learned Additional Public Prosecutor, who is assisted by Mr Pokharkar, learned Counsel appearing on behalf of complainant, opposed the application on the ground that there was already non-cognizable offence registered against present applicant vide N.C.R. No. 1627 of 2015, with Topkhana Police Station, Ahmednagar, for the offences punishable

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under Sections 323, 504 and 506 of the Indian Penal Code. He would then submit that there is a statement of deceased Vaishali, which implicate the applicant in crime in question. He would then submit that there was a quarrel between applicant and deceased, as is apparent from the statement and prayed for rejection of application.

8. It is required to be noted from the investigation papers that, the statement of deceased Vaishali was recorded. She, in her statement, narrated about the quarrel between her and the applicant, however, there is hardly any material to implicate present applicant for an offence punishable under Section 306 of the Indian Penal Code, as it is claimed by the deceased Vaishali, in her statement that in view of quarrel between them, she set herself on fire and present applicant has also suffered burn injuries while trying to save her and shifted her to the hospital with the help of his friend. The above referred statement of the deceased Vaishali, in my opinion, no way implicate present applicant for an offence punishable under Section 306 of the Indian Penal Code, as she, in clear terms stated in her statement that she herself set on fire after the quarrel between them.

9. In the above background, the applicant also suffered burn injuries and he, being a public servant, is very much available for investigation purpose, in my opinion, is entitled to be released on bail. Hence I pass following order :

In the event of arrest of the applicant, in connection with Crime No.

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32 of 2016, registered with Rajur Police Station, Tq. Akole, Dist. Ahmednagar, for the offences punishable under Sections 306, 498-A, 323, 504 and 506 of the Indian Penal Code, he be released on bail, upon furnishing P.R. Bond of Rs 15,000/- with one surety in the like amount.

The applicant shall attend the concerned police station on 25th and 26th June, 2016 and thereafter as and when called by the Investigating Officer.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

sjk