

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

36 CRIMINAL APPLICATION NO. 4367 OF 2016

**BHANUDAS S/O SITARAM SONAWANE
(PATIL)**

VERSUS

THE STATE OF MAHARASHTRA

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Mr. A.S.Sawant, Advocate for Applicant.

Mr. S.D.Ghayal, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 14th SEPTEMBER, 2016

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PER COURT :

1. The applicant/accused in Crime No. 48/2016 registered at Pimpalner police station, Tq. Sakri, Dist. Dhule for the offences punishable u/ss 306,354,498 (A) of the Indian Penal Code, by this application is seeking bail after filing of the charge sheet.

2. Heard learned counsel for the applicant as well as learned A.P.P. Learned A.P.P. submits that there are consistent dying declarations showing intentional aid by the present applicant to the deceased in committing suicide. He

further submitted that there are statements of witnesses inducting the present applicant in the crime in question.

3. Perused the charge sheet. The crime is registered on the basis of the report of Devidas Barku Pawar, the father of deceased Sadhana Jagdish Sonawane. The applicant is father-in-law of deceased Sadhana. According to the prosecution case, when there was nobody at her house, the applicant had attempted to commit rape on Sadhana. On her resistance, the applicant poured kerosene on her person. It is further averred that thereafter Sadhana set herself ablaze by means of match stick.

4. It is mentioned in the F.I.R. lodged by Devidas Pawar that while giving her oral dying declaration to him, his daughter Sadhana told him that after the incident, on hearing her shout her cousin father-in-law Vasant Sonawane came on the spot and extinguished fire from her person.

5. Statement of Vasant Sonawane shows that on hearing shouts of Sadhana, he immediately reached to the spot to see Sadhana engulf in flames. Vasant Sonawane further stated that at that time present applicant as well as Jagdish came on the spot. Without commenting anything about merit of dying declarations of Sadhana in the wake of the statement of Vasant Sonawane, the case against the applicant becomes that of abetting commission of suicide by his daughter-in-law and that of outraging her modesty.

6. Considering the nature of crime and the fact that the investigation is already over, further pre-trial detention of the applicant is not warranted. Hence, the following order.

(i) The application is allowed.

(ii) Applicant Bhanudas s/o Sitaram Sonawane (Patil) in Crime No. 48/2016 registered at Pimpalner police station, Tq. Sakri, Dist. Dhule for the offences punishable u/ss 306,354,498 (A) of the Indian Penal Code be released on bail on executing P.R. Bond of Rs. 15,000/- [Rupees Fifteen Thousand] and on furnishing surety in the like amount.

(iii) As a condition of this Order, the applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

(iv) The applicant shall not tamper the evidence of the prosecution.

[A.M.BADAR, J.]