

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

Criminal Application No. 4973 of 2016

District : Beed

Sakhubai w/o. Mahadeo Munde,
Age : 32 years,
Occupation : Sugarcane Cutter,
R/o. Tokwadi,
Taluka : Parli-Vaijnath,
District : Beed.

.. Applicant.

versus

The State of Maharashtra,
Through Police Inspector,
Police Station, Parli (Rural),
Taluka : Parli-Vaijnath,
District : Beed.

.. Respondent.

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*Mr. Shrikrashna B. Solanke, Advocate, for the
applicant.*

*Mr. N.B. Patil, Addl. Public Prosecutor, for
the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 19TH SEPTEMBER 2016

ORAL ORDER:

The applicant / accused in Crime No. 142/2013 for offences punishable under Sections 307, 323, 504, read with Section 34 of the Indian Penal Code, by this application, is seeking pre-arrest bail.

2. Heard the learned Counsel appearing for the applicant / accused as well as the learned Addl. Public Prosecutor appearing for respondent / State.

3. The learned Addl. Public Prosecutor opposed the application by contending that the crime in question is serious and the present applicant is stated to have incinerated her sister-in-law - Yashashree w/o. Rajabhau Gite causing 40 % burns to her. According to the learned Addl. Public Prosecutor, considering the nature of crime, the applicant is not entitled for pre-arrest bail.

4. Perused the charge-sheet. The crime in question allegedly took place on 19.07.2013 at the matrimonial house of Yashashree Gite. Her statement came to be recorded while she was admitted in the hospital at Parli-Vaijnath on 20.07.2013. Yashashree reported to Police that she was subjected to cruelty by her in-laws and on 19.07.2013, her sister-in-law - present applicant Sakhubai as well as Lalita Munde and Sonali Gite quarreled with her, they all assaulted her by means of fist and kick blows. Yashashree further reported that present applicant thereafter poured kerosene on her person and set her ablaze causing burns to her.

5. Along with the charge-sheet, medico-legal certificate is annexed by the investigator. This

certificate shows the history stated by the victim as accidental burns due to explosion of stove. Injury certificate annexed with the charge-sheet, issued by Vaidyanath Surgical Hospital, Parli-Vaijnath, also shows 40 % accidental burns.

6. Be that as it may, now the charge-sheet is filed. Prima facie two versions of the prosecution case are available; one is incinerating the victim whereas other is sustaining accidental burns. In this view of the matter, custodial interrogation of the applicant / accused is not warranted.

7. Hence, I pass the following order :-

(a) The Application is allowed.

(b) The applicant / accused in the above crime, in the event of her arrest, be released on bail on her executing P.R. Bond in the sum of Rs. 15,000/- and on furnishing one or more solvent sureties of the like amount.

(c) As conditions of this order, the applicant shall abide by the following directions :-

(i) The applicant shall attend concerned Police Station on 25th September 2016 and on 2nd October 2016, in between 11.00 a.m. and 01.00 p.m. for the purpose of

investigation / interrogation. She shall cooperate the Investigating Officer in investigation of the crime in question.

(ii) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(iii) The applicant shall not tamper with the prosecution evidence in any manner and shall cooperate the learned trial Judge in expeditious disposal of the trial against her.

(iv) The applicant shall not repeat commission of similar type of offences in future.

8. The Application stands disposed of in the aforesaid terms.

(A.M. BADAR)
JUDGE

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