

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

Criminal Application No. 5600 of 2016

District : Aurangabad

Prabhakar s/o. Chagan Sharnagat,
Age : 32 years,
Occupation : Labour,
R/o. : Warudi,
Taluka : Paithan,
District : Aurangabad. .. Applicant.

versus

The State of Maharashtra,
Through M.I.D.C., Paithan
Police Station,
District : Aurangabad. .. Respondent.

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*Mr. Vijay B. Jogdand Patil, Advocate, for the
applicant.*

*Mr. S.P. Sonpawale, Addl. Public Prosecutor, for
the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 17TH OCTOBER 2016

ORAL ORDER:

The applicant / accused in Crime No. I-139/2016 registered with MIDC Paithan Police Station, Taluka Paithan, District Aurangabad, for the offence punishable under Section 307, read with Section 34 of the Indian Penal Code, by this application, is

seeking his release on bail after filing of the charge-sheet.

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 neighbours of victim Aashabai w/o. Prabhakar Sharnagat are also supporting her about version of the incident and as the offence is attempting to commit murder of his wife by the applicant, the application is liable to be rejected.

4. Considered the rival submissions and perused the charge-sheet. First statement of Aashabai Sharnagat - the informant appears to be dated 18.06.2016 recorded at the Government Hospital, Aurangabad. She alleged that on 17.06.2016 at about 06.00 p.m., when she was at her house, there was quarrel between her and her husband i.e. present applicant. The applicant suspected her character. Her in-laws also gave abuses to her. Thereafter her husband i.e. present applicant poured kerosene on her person and her in-laws set her ablaze.

5. In the statement dated 19.06.2016, the informant made minor variation by stating that she does not know who set her ablaze as when she was

doused with kerosene, she started running out by removing her saree.

6. Discharge card annexed to the charge-sheet shows that the informant is discharged from the Government Hospital on 12.07.2016 with an endorsement that 50 % superficial to deep burns suffered by the informant were managed conservatively. It is seen that the present applicant had also suffered 6 % burns in the incident in question.

7. It will have to be examined in the trial, whether the applicant had suffered burns while attempting to extinguish fire on person of the informant. The informant in her statement recorded on 18.06.2016 so also in her statement dated 19.06.2016 as stated that the applicant attempted to extinguish fire from her person. Prima facie this conduct is incompatible to the guilt of the applicant. As investigation in the crime in question is over, I see no reason to refuse bail to the applicant in such situation.

8. Hence, I pass the following order :-

(a) The Application is allowed.

(b) The applicant / accused, in the above crime, be released on bail on his executing P.R. Bond in the sum of Rs. 20,000/- 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 directives :-

(i) 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.

(ii) 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 him.

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

(d) The Application stands disposed of in the above terms.

(A.M. BADAR)
JUDGE

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