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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2380 OF 2015**

Pintu Hari Navale

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Aniket U. Nikam, for the Applicant

Ms. Veera Shinde, A.P.P for the Respondent-State

API – Dipak J. Patil, Karkamb Police Station, Solapur.

CORAM : REVATI MOHITE DERE, J.

DATE : 21st MARCH, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 66 of 2015, registered with the Karkamb Police Station, Solapur, for the alleged offences punishable under Sections 302, 498A of the Indian Penal Code.
3. The complainant is one Sudhakar Chogule, who is the brother of the deceased. He has stated that the applicant got married to his sister,

some time in the year 2000 and from the said wedlock they had two children. He has alleged that the applicant was addicted to alcohol and would suspect the character of his wife. It is alleged that on 31st July, 2015 he received a call from Ulhas Navale, informing him that the applicant had poured kerosene on her person and set her on fire. He was also informed that when the deceased tried to save herself, the applicant threw a stone on her head, as a result of which, she died.

4. Learned Counsel for the Applicant submitted that the alleged incident had taken place 15 years after the marriage of the applicant with the deceased. He submitted that there are two eye-witnesses to the said incident i.e. brother of the applicant – Ulhas Navale and son of the applicant and deceased – Atul Navale, who was aged 11 years at the relevant time. He submitted that the 164 statements which have been recorded of the said two eye-witnesses show, that the deceased came out of the house in a burnt condition and that she fell down on a stone. He submitted that none of the eye-witnesses had seen the applicant setting the deceased on fire.

5. Learned APP opposed the bail application. She submitted that a perusal of the postmortem report shows that the deceased died due to shock due to head injury. She submitted that there were two external injuries i.e. CLW over forehead lateral left eye measuring 5 X 2 X 2 cms and CLW over chin over left side measuring 6 X 4 X 2 cms.

6. Perused the charge-sheet and the statements of the eye-witnesses i.e. Ulhas and Atul Navale, as well as their 164 statements. Although in the 161 statements, both the eye-witnesses have stated that the deceased came running out of the room in a burnt condition and the applicant threw a stone on her head; in the 164 statements, both the applicants have stated that the deceased came out of the kitchen in a burnt condition, screaming for help, and fell on a stone which was lying at the spot, as a result of which she got injured. Charge-sheet in the said case has been filed.

7. Considering the aforesaid and in the peculiar facts and circumstances of the case, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 11:00 a.m., for a period of 12 months and thereafter once in two months, till the conclusion of the trial;
- (iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial;

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.