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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 609 OF 2016

Hifazat Sharafat Khan

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Niranjan Mundargi for Applicant.

Ms. N.S. Jain, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 5th October 2016.

P.C.

1 This is an application under Section 439 of Cr. P.C. for bail in CR No.I-164 of 2014 registered with Manor Police Station, District-Palghar dated 17.12.2014 under Sections 307, 323 and 504 of the Indian Penal Code.

2 Heard the learned counsel for the applicant, the learned APP and also perused the entire chargesheet annexed to the application.

3 The date of incident is 17.12.2014 at about 7.30 p.m. The first information report is lodged by Smt.Huma Parvin Hifazat Pathan. The first

informant is the wife of the applicant. It is the prosecution case that the applicant used to suspect the character of the first informant. That on 17.12.2014 the applicant after finishing his vocation of sale of bread came to the house and raised doubt about the behaviour of the first informant. There was quarrel between the first informant and the applicant. The applicant assaulted the first informant with fist and kicks blows and thereafter took a plastic can containing kerosene and poured the same on the person of the first informant and ignited with a match-stick. That the first informant was engulfed in the fire and sustained injuries on various parts of the body. That after hearing hue and cry, the neighbours gathered at the scene of offence and took the first informant to the hospital. That on receipt of information, the police went to the concerned Hospital and recorded the statement of the first informant, in question and answer form. On the basis of the statement of the first informant, the first information report is lodged. That After lodgment of the first information report, police conducted investigation and after completion of investigation have submitted chargesheet.

4 The learned counsel for the applicant submitted that the alleged incident of pouring kerosene and igniting fire was preceded by a quarrel between the applicant and the first informant. He submitted that the

said act occurred in a rage, without any premeditation and due to sudden provocation. That the applicant is arrested on 24.12.2014 and since then he is in jail. He therefore submitted that the applicant may be released on bail.

Per contra, the learned APP opposed the application and submitted that the alleged offence against the applicant is very serious in nature and if the applicant is released on bail, he may tamper with the evidence and/or threatened the prosecution witnesses.

5 After perusing the chargesheet annexed to the application, I find substance in the submissions advanced by the learned counsel for the applicant. The medical certificate issued by the concerned Government Hospital discloses that the first informant had sustained 40% burn injuries on different parts of her body. That the said medical certificate does not support in its entirety the version narrated by the eye-witness namely Juned Khan whose statement is recorded under Section 164(5) of the Cr. P.C. before the Judicial Magistrate First Class, Palghar. The said witness in his said statement has stated that he saw burn injuries on the face, neck, chest and other parts of the body of the victim, however, the medical certificate does not corroborate the version of the said witness. The applicant is arrested on 12.12.2014 and since then he is in jail. The police have already filed the chargesheet and no purpose will be served by further detaining the

applicant in jail. In view of the peculiar facts and circumstances of the case, I am inclined to release the applicant on bail.

6 Hence, the following Order:

(i) The applicant be released on bail in CR No.I-164 of 2014 registered with Manor Police Station, District-Palghar on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from the jail, the applicant shall attend the Manor Police Station on every First Monday of the month month between 3.00 p.m. to 5.00 p.m.

(iii) The applicant shall also attend all the dates before the Trial Court.

(iv) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.

(v) The applicant shall not tamper with evidence and/or influence the prosecution witnesses.

7 The Application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)