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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 744 OF 2016**

Rohan Raosaheb Divekar ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr.S.H.Nimbalkar, for the Applicant

Mr.Ajay Patil, A.P.P for the Respondent-State

***CORAM : REVATI MOHITE DERE, J.
DATE : 6th MAY, 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. 199 of 2015, registered with the Yavat Police Station, for the alleged offences punishable under Sections 498A, 307, 302, 406 r/w 34 of the Indian Penal Code.
3. The incident in question has taken place on 5th July, 2015 at about 4.30 a.m. According to the deceased – Dhanashri, the present

applicant - her husband and her in-laws were ill-treating and harassing her for trivial reasons. She has alleged that on 4th July, 2015, there was a quarrel between her and the applicant and in-laws. She has alleged that the applicant and her in-laws were insisting that the deceased's parents should give a gold ring instead of a silver plate. She has alleged that on 5th July, 2015 at about 4.30 a.m., her mother-in-law poured kerosene on her person and set her ablaze. The deceased succumbed to her injuries on 23rd July, 2015.

4. Learned Counsel for the applicant submitted that the allegations are essentially as against the mother-in-law. He submitted that it is alleged by the deceased that it is the mother-in-law who poured kerosene on her person and set her ablaze. He submitted that there is no whisper in the dying declaration that the applicant in anyway played an overt act in the commission of the aforesaid offence punishable under Section 307.

5. Learned APP does not dispute the fact that it was the mother-in-law who poured kerosene on the person of the deceased and set her ablaze.

6. Perused the papers. The allegation in the dying declaration made by the deceased is that the mother-in-law poured kerosene on her person and set her ablaze. Investigation is complete and charge-sheet is filed.

7. Considering the nature of allegations and the role of the applicant, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- 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, from the date of his release;
- (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.