

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1516 OF 2016

1. Gajara Shivaji GarudApplicants
2. Ashwini Sambhaji Garud
3. Surekha Maruti Garud

V/s.

The State of MaharashtraRespondent

Mr. Prashant M. Patil Advocate for Applicants.
Mr. S. S. Pednekar APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : OCTOBER 18, 2016.

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicants herein are arrested on 07/09/2015 in crime no. 133 of 2015 registered at Jejuri Police Station for offence punishable under sections 302, 452, 143, 147, 504 & 506 of the Indian Penal Code.

2) It is the case of the prosecution that on 06/09/2015, Padma Rajendra Garud was admitted in Sasoon Hospital at Pune with burn injuries. Since it was a medico legal case, statement of the injured was recorded. She disclosed that on 04/09/2015, her cousin mother-in-law i.e. applicant no. 1 had raised

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quarrel with her in respect of crossing through agricultural land. There were family disputes between both the families. She further disclosed that on 06/09/2015, at about 7.00 a.m., there was a quarrel between applicant no. 1 and deponent. Applicant no. 1 got enraged. She had realized that husband of the deponent was not at home. She brought along with her other accused. That Ashwini, Surekha, Shashikala and Sunita had questioned Padma as to why she used to raise quarrels with the applicant no. 1. There was an altercation between them. Surekha and Ashwini caught hold of Padma and assaulted her. They picked up the canister of kerosene from her house and set her ablaze and when she raised hue and cry, the accused persons fled from the house.

3) Investigation is completed and charge-sheet is filed. Statement of the husband of victim Padma was recorded and he admitted that there were disputes between both the families. Padma succumbed to the injuries on 11/09/2015.

4) It is pertinent to note that at the time of incident, son of the victim Abhijeet was at home. In his statement under section 161 of the Code of Criminal Procedure, 1973, which was recorded on 24/09/2015, he had stated that he had seen the applicants entering into the house and setting his mother

ablaze and calling upon his father. Statement of Abhijeet was recorded under section 164 of the Code of Criminal Procedure, 1973 in which he disclosed that on 06/09/2015, at about 6.30 a.m., he was sleeping. He heard cries of his mother and he also saw that his father was extinguishing the flames. He then rushed to his neighbours and brought a jeep vehicle and thereafter, the injured was taken to Sasoon Hospital, Pune in the said jeep. Similarly, statement of the husband of the victim was also recorded under section 164 of the Code of Criminal Procedure, 1973. He had disclosed before the Magistrate that on 06/09/2015, he had gone to answer nature's call. Abhijeet was sleeping. When he returned, he saw his wife in flames and extinguished the flames. Both the witnesses have categorically stated that the victim had not disclosed to them that she was set ablaze by the present applicants. Upon perusal of the scene of offence Panchanama, it appears that the burnt pieces of Saaree of the victim were on the kitchen platform and that there was gas cylinder. The scene of offence Panchanama was drawn on 07/09/2015.

5) Applicants are women. By virtue of proviso to section 437 of Code of Criminal Procedure, 1973, applicants would be entitled to be enlarged on bail, more so since charge-sheet is filed. However, it is made clear that

observations made herein above are prima facie in nature and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) Applicants be enlarged on bail on furnishing P.R. bond in the sum of Rs. 15,000/- each with one or two sureties in the like amount.
- (iii) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)