

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI. BAIL APPLICATION NO. 1556 OF 2016

Mahesh Narayan Bhosale & Ors. ... Applicants.

V/s.

The State of Maharashtra ... Respondent.

Mr. Rahul S. Kate, Advocate for the Applicants.

Mr. Arfan Sait, A.P.P. for the Respondent – State.

CORAM : A. M. BADAR, J.

DATE : 04th AUGUST, 2016

P.C. :

1 Applicants/accused in Crime No. 47 of 2016 registered with Bhigwan Police Station, Dist. Pune at the instance of informant-Sou. Bhagyashri Dhananjay Kantode for the offences punishable under sections 307, 143, 147, 148, 149 of the Indian Penal Code by this application under section 439 of the Criminal Procedure Code are praying for releasing them on bail.

2 Heard the learned counsel appearing for Applicants /accused. By taking me through the chargesheet, the learned counsel for applicants/accused argued that co-accused-Sonali Bhosale with the same role has already been released on bail by the learned Additional Sessions Judge, Baramati. The

learned counsel further argued that informant-Bhagyashri had set herself ablaze and has falsely implicated applicants/accused in the said crime. Learned counsel further argued that now injured-Bhagyashri is already discharged from the hospital and after filing of chargesheet, the pre-trial detention of present applicants is not warranted.

3 Learned APP opposed the application by submitting that as yet injured-Bhagyashri is not fit, as would reveal from the medical certificate issued by Noble Hospital Pune. Learned APP further argued that the offence is serious.

4 Perused the chargesheet. The incident in question took place at about 12.30 a.m. in the night intervening 02.04.2016 and 03.4.2016 at the house of informant - Bhagyashri Dhananjay Kantode. The FIR came to be lodged by her while taking treatment in the Ujani Hospital at Bhigwan, on the very next day. It shows initially at about 10 p.m. on 02.04.2016 co-accused-Sonali contacted her on telephone. She abused and threatened informant-Bhagyashri with an allegation that Bhagyashri had defamed her. Thereafter, as per version of the informant, co-accused Sonali alongwith her husband/ present applicant-Mahesh Bhosale accompanied by 6 to 7 person came to her house. Initially they started abusing and threatening her. Thereafter, co-accused-Sonali and applicant-Mahesh Bhosale assaulted the informant by means of

fist and kick blows. Thereafter, she was set on fire by pouring kerosene from the can kept in her house.

5 As revealed from statement of neighbours, witness Laxman Date had extinguished the fire. His statement reveals that upon hearing sound of quarrel, he rushed to the spot and saw applicant - Mahesh Bhosale. He also saw informant -Bhagyashri. Statement of Laxman Date reveals that he poured water on persons of Bhagyashri. One Chayya Jadhav is also a neighbour of informant-Bhagyashri. Her statement reveals that when she reached the spot immediately after hearing the sound, she saw all applicants present on the spot with co-accused Sonali Bhosale. This witness saw Laxman Date extinguished fire from persons of Bhagyashri.

6 Dhananshree Kantode is the daughter of informant Bhagyashri. Her statement reveals that her mother was set on fire by applicant-Mahesh Bhosale and his wife.

7 Perusal of the papers of medical treatment of Bhagyashri shows that she suffered extensive burns. She suffered 51% to 52% burns of grade-II and grade-III. She was discharged against medical advised. In the certificate dated 01.06.2016 the Noble Hospital had certified that Bhagyashri had suffered 55% burns and infection control measures are necessary.

8 Nature of crime and the circumstances in which the same is committed are relevant considerations for grant of bail. In the case in hand for trifling reasons applicants/accused have indulged in rioting and setting Bhagyashri ablaze. Prima facie, it is seen that all applicants are vicariously liable for the result. Co-accused- Sonali was granted bail merely because she has delivered a child and the child was one year old.

9 No case for bail is made out by applicants/accused. The bail application is rejected.

(A. M. BADAR, J.)

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