

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1744 OF 2016

Deepali Alias Sheetal Sagar Pawar

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Aniket U. Nikam i/b Mr. Chetan S. Damre Advocate for Applicant.
Mr. Rajan Salvi APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : 24th NOVEMBER, 2016.

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 05/07/2015 in crime no. 18 of 2015 registered at Ozhar Police Station for offence punishable under sections 302, 309, 182 of the Indian Penal Code. Investigation is completed and charge-sheet is filed.

2) It is the case of the prosecution that the present applicant was admitted in the Civil Hospital, Nashik with history of burn injuries. Since it was a medico legal case, her statement was recorded. In her statement before Executive Magistrate, Applicant had disclosed that on 08/02/2015, there was

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a quarrel between her and her and her husband and at that time her husband had poured petrol on her and her 8 months daughter Arohi and had set them ablaze. She has further disclosed that the neighbours had extinguished the flames and had admitted her in the hospital. On the basis of her report, crime no. 18 of 2015 was registered. In the course of investigation, it was revealed that in fact, applicant had admitted to commit suicide by pouring kerosene on herself. Kerosene had fallen on her infant child. The child caught flames and had succumbed to the burn injuries. A report under section 169 of the Code of Criminal Procedure, 1973 was filed against her husband and he was discharged. Applicant is also being prosecuted for offence punishable under section 309 of the Indian Penal Code.

3) Applicant is a woman. She has sustained about 35% burn injuries at the time of incident. She has lost her infant child. There is a material on record to indicate that she was calling upon Rahul Pawar to meet her. He had denied to meet her on the ground that he was on duty. Subsequently, he had gone along with some friends in same area where she had raised quarrel with him for not attending her and in his presence she had poured kerosene on herself and had attempted to immolate. Rahul Pawar got scared and fled from the spot. There

eye witnesses which would corroborate the statement of Rahul Pawar.

4) Upon considering the papers of investigation, the nature of allegations coupled with the fact that the applicant is a woman who has been in custody for almost one and half year, this Court is inclined to grant bail. However, it is made clear that the observations made herein above are restricted to an application under section 439 of the Code of Criminal Procedure, 1973 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) Applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.
- (iii) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)