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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2081 OF 2015**

1. Prasad Prakash Nawale
2. Aruna Prakash Nawale ...Applicants
Versus

The State of Maharashtra ...Respondent

Mr.Harshad Nimbalkar, i/b Mr.S.H.Nimbalkar, for the Applicants

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

ASI – S.S.Wadekar, Sinhagad Police Station, Pune.

***CORAM : REVATI MOHITE DERE, J.
DATE : 5th APRIL, 2016***

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P.
2. By this application, the applicants seeks their enlargement on bail in connection with C.R. No. 197 of 2015, registered with the Sinhagad Police Station, Pune, for the alleged offences punishable under Sections 498(A), 304(B), 306, 201 r/w 34 of the Indian Penal Code.
3. The applicant no.1 is the husband of the deceased and the

applicant no.2 is the mother-in-law. The applicant no.1 was married to the deceased on 30th November, 2010 and the alleged incident has taken place on 4th May, 2015. According to the prosecution, the deceased committed suicide, on account of the harassment meted out by the applicants.

4. Learned Counsel for the Applicants submitted that the incident took place on 4th May, 2015 and the deceased succumbed to the injuries on 9th May, 2015. He submitted that the FIR was lodged on 13th May, 2015, pursuant to which, the applicants came to be arrested on 15th May, 2015. He submitted that initially, the offences alleged were under Sections 304(B) and 201 however, subsequently, on 20th May, 2015, Sections 306 and 498A came to be added. He relied on the dying declaration which was recorded by the Nayab Tahsildar in the presence of the doctor at Surya Hospital.

5. Perused the papers. It appears from the dying declaration that there was a quarrel that had taken place between the applicant no.2 and the deceased and being fed up with things, the deceased went to the room and poured kerosene on her person and set herself ablaze. She has stated that nobody was responsible for the same and that she had on her own

accord set herself ablaze and that she had no complaint against anyone. Investigation is complete and charge-sheet is filed in the said case.

6. Considering the aforesaid, the applicants are enlarged on bail on the following terms and conditions :

ORDER

(i) The Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount;

(ii) The applicants shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iii) The applicants to cooperate with the conduct of the trial.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. 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.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.