

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 394 OF 2017**

Balu Kachru Rajguru	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. A. U. Nikam i/b Mr. Aashish Satpute for the Applicant

Mr. Y. M. Nakhawa, A.P.P for the Respondent-State

PC Mr. L. Y. Mujawar from Manchar Police Station, Pune (Rural) is present.

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 7th APRIL, 2017

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 262 of 2015 registered with the Manchar Police Station, Pune, for the alleged offences punishable under Sections 302, 307, 498A r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant states that deceased-Rekha had first disclosed to the doctor at Manchar that she had committed suicide,

whereas, subsequently, on 20th October, 2015, she disclosed to the Special Executive Magistrate that the present applicant along with others had poured kerosene on her person and set her ablaze.

4. Learned A.P.P opposed the application. He submitted that apart from the fact, that the applicant had been named in the dying declaration, the applicant has been absconding since the date of the incident. He submits that the application preferred by the police to issue proclamation under Section 82 of the Code of Criminal Procedure was allowed by the learned Magistrate, pursuant to which, the police have taken steps for issuance of proclamation.

5. Perused the papers. The incident in question has taken place on 19th October, 2015. Deceased-Rekha has disclosed in her dying declaration made to the Special Executive Magistrate that the present applicant along with others had poured kerosene on her person and set her ablaze. The deceased succumbed to the injuries i.e. 75% burn injuries on 4th November, 2015. It appears that all the other accused were arrested and were subsequently enlarged on bail. It appears that the applicant filed an anticipatory bail application, for the first time on 16th December, 2016. The

applicant has been absconding since the date of the incident. As the applicant was shown as absconding, the police preferred an application and prayed for issuance of proclamation. Accordingly, the learned Judicial Magistrate First Class was pleased to allow the said application vide order dated 30th March, 2017. Learned A.P.P states that the police are in the process of taking steps for declaring the applicant as a proclaimed offender under Section 82 of the Code of Criminal Procedure.

6. Considering the role of the applicant and the gravity of the offence and the fact that he was absconding since the time of the incident i.e. October, 2015 and considering the fact that the proclamation application filed by the police is allowed, the application is rejected.

7. It is made clear that if an application for regular bail is filed, the learned Judge shall decide the same on its own merits uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.