

Anand

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

BAIL APPLICATION NO.685 OF 2017

Sulochana Sampya alias Sampat Pawar .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.G.S.Jadhav, Advocate, for the Applicant
Mr.S.S.Pednekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 05.05.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks her enlargement on bail in connection with C.R.No.287 of 2016 registered with the Baramati City Police Station, Pune(Rural), for the alleged offences punishable under Section 307 & 302 r/w.34 of the Indian Penal Code.

3. Learned counsel for the Applicant seeks bail on the ground of parity. He submits that similarly placed co-accused i. e. Sampya alias Sampat Balu Pawar has been enlarged on bail by this Court (CORAM : SMT. SADHANA S. JADHAV, J.) vide

Order dated 16.11.2016 passed in Cri. B.A.No.2162 of 2016. He submits that the Applicant therein, was granted benefit of the proviso to Section 437 of the Code of Criminal Procedure.

4. Learned APP does not dispute the aforesaid.

5. The incident in question has taken place on 22.05.2016. Shilpa (deceased) the daughter-in-law of the Applicant was admitted to Silver Jubilee Hospital, Baramati with history of burn injuries. According to the prosecution, Shilpa disclosed to the police that on 22.05.2016 at about 3.00 p.m when she was sleeping in a house, her husband - Hemant and other family members came, woke her up and asked her to bring Rs.22,000/-, as they were to give the said amount to Shindya Pawar. It is stated that when Shilpa refused to oblige, Shilpa's husband - Hemant poured kerosene on her person and that the Applicant and her husband (Sampat), are alleged to have held her hand and facilitated the commission of the offence. On 24.05.2016, again the supplementary statement of Shilpa was recorded, wherein she has re-iterated the said facts. Shilpa has expired on 05.06.2016. The cause of death is stated to be septicemia due to burn. The Applicant is a lady aged about 60

years. Co-accused – Sampya@Sampat Pawar i. e. husband of the Applicant has been given benefit of proviso to Section 437 of the Code of Criminal Procedure. In the facts, the applicant being a lady, is also entitled to get the benefit of the proviso to Section 437 of the Code of Criminal Procedure. Investigation is complete and charge-sheet is filed.

6. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions:-

O R D E R

(i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station on the **1st Monday of every month** from **10.00 a.m. to 11.00 a.m.** till the framing of charge;

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

(iv) The Applicant shall inform her latest place of

residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

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.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)