

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 482 OF 2017

1. Sagar Ramesh Jagtap
2. Santosh Nivrutti Jagtap
3. Dinkar Balu Masugade
4. Ramesh Pandurang Jagtap

...Applicants

Versus

The State of Maharashtra

...Respondent

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Mr.Milind Deshmukh for the Applicants.
Mr.Prashant Jadhav, APP for the State-Respondent.
Mr.Suryakant Magar, Head Constable, Natepute Police Station (present)

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CORAM : MRS.MRIDULA BHATKAR, J.
DATE : MARCH 20, 2017

P.C. :

1. This application is moved for pre-arrest bail as the applicants-accused are prosecuted for the offences punishable under sections 307, 323, 143, 147, 149 and 506 of the Indian Penal Code in C.R. No. 01 of 2017 registered with Natepute Police Station. One Asha Shivaji Lokhande lodged a complaint against the applicants-accused and the co-accused on 5th January 2017.

2. It is the case of the complainant that there was a dispute in respect of the land and the partition with the co-accused Dashrath Vithoba Jagtap. On 5th January 2017 at 8.00 a.m., the applicants-accused alongwith the co-accused Dashrath Jagtap, Suresh Jagtap and other accused assaulted her and dragged her in front of the house and Suresh Jagtap poured kerosene on her body and Dashrath Vithoba

Jagtap lighted a matchstick and threw it on her body due to which she set on fire. She has sustained 37% burning injury.

3. The learned counsel for the applicants-accused has submitted that the applicants-accused as per the F.I.R. were present there. They have not attributed the role of actually pouring kerosene. The applicants-accused do not have any criminal antecedents. Hence, pre-arrest bail be granted to the applicants-accused.

4. The learned APP opposed this application. He submits that the applicants-accused were present there when the incident has taken place.

5. Perused the F.I.R. Considering the submissions of the learned counsel for the applicants-accused that they were present and they have not attributed the role of actually pouring kerosene or setting her on fire. Hence, I grant pre-arrest bail to the applicants-accused on the following terms and conditions:

ORDER

- (i) In the event of arrest, the applicants-accused be released on bail on furnishing P.R. Bond in a sum of Rs. 15,000/- (Rupees Fifteen Thousand only) each with one or two solvent sureties in the like amount.
- (ii) The applicants-accused shall cooperate with the Investigating Officer and attend the concerned police station on every Friday between 11.00 a.m. and 1.00 p.m. till 30th April 2017.

- (iii) The applicants-accused shall not tamper with the evidence or pressurize the complainant.
 - (iv) The applicants-accused shall not indulge into any criminal activity.
 - (v) The applicants-accused shall not abscond or leave India without prior permission of the Court and furnish their permanent addresses to the Investigating Officer alongwith documentary proof of their addresses.
 - (vi) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.
6. Anticipatory Bail Application is disposed of in the above terms.

(MRIDULA BHATKAR, J.)