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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.570 OF 2017

Bhagabai Pandurang Kamble	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.A.S.Kale, i/b Mr.R.S.Jadhav, for the Applicant.

Ms.S.S.Kaushik, A.P.P. for the Respondent-State

Police Head Constable – A.A.Shinde, Radhanagari Police Station,
Kolhapur.

CORAM : REVATI MOHITE DERE, J.

DATE : 3rd APRIL, 2017

P.C. :

1. Heard learned counsel for the applicant and learned APP for the Respondent – State.

2. By this application, the applicant seek pre-arrest bail in connection with C.R.No.17 of 2017 registered with the Radhanagari Police Station, Kolhapur, for the alleged offences punishable under Sections 498A, 307, 302 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant states that the applicant aged 74 years is the mother-in-law of the deceased – Jayshree. He submitted that she was residing separately but adjacent to the house of the deceased and her son, co-accused – Bandopant P. Kamble. He submitted that the applicant is not responsible for the death of the deceased.

4. Learned APP opposed the application. She has tendered a copy of the dying declaration given by the deceased.

5. Perused the papers. The incident in question has taken place on 2nd February, 2017 at about 12.00 noon. It appears from the complaint lodged by the father of the deceased that when he went to the hospital he saw that his daughter had sustained upto 97% burn injuries. He has stated that his daughter disclosed to him, that when she was beating her son – Samarth for not doing his homework, the said fact was reported by the applicant to her husband, pursuant to which her husband poured kerosene on her person and pushed her on the fire place. In the dying declaration made to the SEM, deceased – Jayshree has stated that she and her husband were living adjacent to the applicant's house. She has stated that the

applicant would verbally abuse her and would raise some quarrel with her. She has further stated that on the day, she had an argument with her mother-in-law (applicant), pursuant to which, her mother-in-law informed the said fact to her husband. She has stated that her husband, thereafter assaulted her, as a result of which, she poured kerosene on her person and set herself ablaze. The applicant is about 73 to 74 years of age. Admittedly, no overt act has been attributed to her. There is nothing to indicate that the applicant was present at the house at the time of the incident. Admittedly, the applicant was not residing in the same house where the deceased and the co-accused – Bandopant P. Kamble were residing.

6. Considering the peculiar facts of this case, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :-

ORDER

- i) In the event of arrest, the Applicant be enlarged on bail on furnishing P.R.Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station,

every Monday and Thursday, between 10:00 a.m. to 12:00 noon, till the filing of the charge-sheet;

- iii) The Applicant shall inform her latest place of residence and mobile contact number immediately and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;
- iv) The Applicant shall not tamper or attempt to influence the complainant or any persons concerned with the case;
- v) The Applicant shall co-operate in the conduct of the trial.

7. The Application is allowed and disposed of in above terms.

8. It is made clear, that the observations made herein, are prima-facie, for the purpose of deciding this application.

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

(REVATI MOHITE DERE, J.)