

Anand

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

ANTICIPATORY BAIL APPLICATION No.612 OF 2017

1. Pramod Ashok Jangalbag .Applicants
2. Preeti Ashok Jangalbag
3. Vijaya Ashok Jangalbag

Vs.

The State of Maharashtra .Respondent

WITH
CRIMINAL APPLICATION NO.394 OF 2017
(For Intervention)

**IN
ANTICIPATORY BAIL APPLICATION No.612 OF 2017**

Diksha Pramod Jangalbag .Intervenor

IN THE MATTER OF

1. Pramod Ashok Jangalbag .Applicants
2. Preeti Ashok Jangalbag
3. Vijaya Ashok Jangalbag

Vs.

The State of Maharashtra .Respondent

Mr.Ritesh Thobade, Advocate, for the Applicants
Mr.S.S.Pednekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 28.04.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicants seek pre-arrest bail in connection with C.R.No.151 of 2017 registered with the Vijapurnaka Police Station, Solapur, for the alleged offences punishable under Sections 498A, 307, 342, 506 r/w.34 of the Indian Penal Code.

3. Learned counsel for the Applicants states that the Applicant No.1 is the husband, the Applicant No.2 is the sister-in-law and the Applicant No.3 is the mother-in-law of the complainant-Diksha. He submits that although the incident is alleged to have taken place on 28.02.2017 at about 7.00 a.m. i. e. when the father-in-law is alleged to have poured hot water on the complainant's person, the complaint has been lodged on 21.03.2017. He submits that as far as the allegations under Section 307 are concerned, the same have not been attributed to any of the Applicants.

4. He submits that admittedly, the Applicant No.1 - husband was not present in the house. He submitted that as far as the Applicant No.2 is concerned, she is a student, studying in an Engineering College, Solapur and the Applicant No.3 is the mother-in-law.

5. Learned APP does not dispute the fact that the Applicant No.1 was not present at the time of the alleged incident dated 28.02.2017. He also does not dispute the fact that the allegations are as against the father-in-law, of pouring hot water on the Complainant's person, as a result of which she sustained 14% burn injuries. The Applicant Nos.2 & 3 are only stated to have been present at the time of the incident.

6. Learned counsel for the Intervenor also opposes the Application. He submits that the possibility of the Applicants tampering with the evidence cannot be ruled out.

7. Perused the papers.

8. The incident has taken place on 28.02.2017 at about 7.00 a.m.. The father-in-law of the Complainant is alleged to have poured hot water on the Complainant's person, resulting in the Complainant having sustained 14% burn injuries. The Applicant No.1 was, admittedly, not present in the house at the time of the incident and was serving in Beed. The allegations, if any, as against the Applicant Nos.2 & 3 are concerned, pertain to an offence under Section 498A of the IPC. As far as Section 307 of

the IPC is concerned, no overt act has been attributed to the Applicant Nos.2 & 3.

9. Considering the aforesaid, the Application is allowed and the Applicants are granted pre-arrest bail on the following terms & conditions:-

O R D E R

(i) In the event of arrest, the Applicants be enlarged on bail, on executing PR Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

(ii) The applicant shall report to the investigating officer of the concerned Police Station as & when called for by the investigating officer;

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

(iv) The Applicants to cooperate with the conduct of the trial.

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

11. In view of disposal of the Bail Application, the

Intervention Application does not survive and the same stands disposed of accordingly.

12. 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.)