

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1093 OF 2017**

Sharda Irkal Chavan	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Rupesh A. Zade for the Applicant

Mr. S. H. Yadav, A.P.P for the Respondent-State

API Mr. T. M. Kaulkar from Daund Police Station, Pune, is present

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 4th MAY, 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 her enlargement on bail in connection with C.R. No. 168 of 2017 registered with the Daund Police Station, Pune, for the alleged offences punishable under Sections 306, 498A, 323 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that there are no allegations that the applicant set the deceased ablaze. He submits that if at

all, there are allegations of 498A, *qua* the applicant. He further submits that the applicant has been in custody since 5th April, 2017.

4. Learned A.P.P has tendered the dying declaration of the deceased. According to the deceased, on the date of the incident i.e. 29th March, 2017, there was a quarrel between her and co-accused Deepak (husband), pursuant to which, Deepak assaulted her and in anger, she poured kerosene on her person and set herself ablaze. She has stated that on earlier occasions, her husband used to assault her on the instigation of the applicant. The incident has taken place on 29th March, 2017 at about 4:45 p.m. and the deceased succumbed to the injuries on 4th April, 2017. The allegations as far as Section 307 are concerned, are against co-accused Deepak (husband). It appears that the applicant was not present at the time, when the incident took place i.e. when the deceased poured kerosene on her person. The applicant is in custody since 5th April, 2017.

5. Considering the nature of allegations and the fact that the applicant is a lady, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on every Monday between 10:00 a.m. to 11:00 a.m., till the filing of the charge-sheet;
- (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 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.

6. The application is accordingly disposed of.
7. 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.
8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.