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

ANTICIPATORY BAIL APPLICATION NO.968 OF 2017

1. Deepali Ravindra Waghmare	
2. Bhimrao Rama Waghmare	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr.Ritesh Thobde, for the Applicants

Mr.Rajan Salvi, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
DATE : 16th JUNE, 2017

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. 141 of 2017 registered with the Vairag Police Station, Solapur, for the alleged offences punishable under Sections 498-A, 302 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicants submits that there are no allegations qua the applicants as far as the offence punishable under

Section 302 is concerned. He submitted that even the dying declaration of the deceased Jija dated 27th April, 2017 shows that there was a quarrel on 26th April, 2017 between applicant No. 1 (co-sister of the deceased) and the deceased over giving sweets to the children. She has alleged that in the said quarrel, the applicant No. 1 and her husband abused her. She has further stated that thereafter in the evening, her husband came home after consuming alcohol. According to Jija, she disclosed the quarrel to her husband, pursuant to which, her husband questioned her as to why she had quarreled with the applicant No.1 and his brother and thereafter, poured kerosene on her person and set her ablaze. She has stated that her husband Anand thereafter took her to a Government Hospital for treatment.

4. A perusal of the Jija's statement, which was later treated as the dying declaration shows that the allegation of pouring kerosene is qua the husband Anand and not as against the applicants.

5. Learned APP states that the applicants have attended the concerned Police Station, as directed by this Court vide order dated 7th June, 2017 and that the custody of the applicants is not required.

6. Considering the role attributed to the applicants, the application is accordingly allowed and the applicants are granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount ;

(ii) The applicants shall report to the Investigating Officer of the concerned Police Station as and when called, till the filing of the charge-sheet or for a period of three months from today, whichever is earlier;

(iii) The applicants shall not contact the complainant, witnesses or any person concerned with the case.

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

(REVATI MOHITE DERE, J.)