

Anand

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

ANTICIPATORY BAIL APPLICATION NO.969 OF 2017

Ashok Shavrappa Jangalbag

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.Ritesh Thobade, Advocate, for the Applicant

Mr.S.H.Yadav, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 07.06.2017

P.C.

. Heard learned counsel for the Applicant and the learned APP for the Respondent – State.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.151 of 2017 registered with the Vijapur Naka Police Station, District – 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 Applicant submits that the Applicant is the father-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., the complaint was lodged only on 21.03.2017. He submitted that it is highly improbable that the Complainant would return back to her matrimonial home, if the Applicant had poured hot water on her person. He submitted that the Complainant was admitted to the hospital by the Applicant and his family members and that the Complainant returned to her matrimonial home on 12.03.2017. He submitted that till 21.03.2017, no complaint was lodged either by the Complainant or her family members. According to him, in the circumstance, the possibility of the Applicant slipping and the water falling on her person cannot be ruled out.

4. Learned APP opposes the Application. He submitted that the Applicant had sustained 14% burn injuries. He submitted that according to the Complainant, it is the father-in-law who had poured hot water on her person on 28.02.2017 at about 7.00 a.m. He further submitted that no doubt, the FIR was lodged after a month, but the fact remains, that she was pressurized by the Applicant and others, not to disclose the incident to anyone.

5. Perused the papers.

6. Vide Order dated 28.04.2017, the other co-accused - Pramod, Preeti & Vijaya i. e. husband, sister-in-law and mother-in-law were granted Anticipatory Bail by this Court. Although, the incident has taken place on 28.02.2017 at about 7.00 a.m. i. e. when the Applicant is alleged to have poured hot water on the Complainant's person, the FIR was lodged only on 21.03.2017. It also appears that during the said period, after the incident, the Complainant went to reside at her matrimonial home on 12.03.2017. It is also not in dispute that the Applicant's family members took her to the hospital where she was admitted for treatment.

7. Be that as it may, in the peculiar facts of this case, considering the aforesaid, custodial interrogation of the Applicant is not required. Accordingly, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions:-

O R D E R

(i) In the event of arrest, the Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.25,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer on **every Monday** between **10:00 a.m. to 12:00 noon** till filing of the charge-sheet or three months whichever is earlier;

(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 his 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.

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

9. 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.)