

Anand

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1030 OF 2017

1. Sudarshan Vasantryao Jadhav .Applicants
2. Sagar Vasantryao Jadhav

Vs.

The State of Maharashtra .Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.1031 OF 2017

1. Sau. Bharati Vasant Jadhav .Applicants
2. Vasant Pundlik Jadhav

Vs.

The State of Maharashtra .Respondent

Mr.M.N.Sandhyanshiv, Advocate, for the Applicants in both matters

Mrs.P.P.Shinde, APP, for the Respondent - State in **ABA No.1030 of 2017**

Mr.S.S.Pednekar, APP, for the Respondent - State in **ABA No.1031 of 2017**

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 19.06.2017**

**P.C.**

. Heard learned counsel for the parties.

2. By these Applications, the Applicants seek pre-arrest bail in connection with C.R.No.89 of 2017 registered with the

Satana Police Station, Taluka - Satana, District - Nasik, for the alleged offences punishable under Sections 306, 498A r/w.34 of the Indian Penal Code.

3. The Applicants in ABA No.1030-17 are the husband and brother-in-law of the deceased - Nilima and the Applicants in ABA No.1031 of 2017 are the mother-in-law and father-in-law of the deceased. Learned counsel for the Applicants submits that no offence as alleged is disclosed qua any of the Applicants in the FIR. He submits that the allegations are general in nature and that no overt act has been attributed to any person. He submitted that the Applicants themselves had taken the deceased to the hospital after extinguishing the fire. He submits that the Applicant No.1 in ABA No.1030 of 2017 was married to the deceased - Nilima in the year 1999, whereas the incident has taken place on 19.05.2017, when Nilima set herself ablaze. He submits that Nilima succumbed to her injuries on 31.05.2017 after which the aforesaid FIR was lodged by Nilima's brother on 01.06.2017.

4. Learned APP has tendered the dying declaration of Nilima recorded by the Medical officer on 20.05.2017.

5. Perused the papers, in particular, the dying declaration of Nilima. In the said dying declaration, Nilima has specifically stated that she had poured kerosene on herself and set herself ablaze. She has stated that the fire was extinguished by the in-laws and that she was taken to the hospital by the Applicants. In her statement, she has not made any allegation qua any of the Applicants. It also appears that Nilima was married to the Applicant No.1 - Sudarshan in 1999. The allegations against all the Applicants are general in nature. The incident has taken place on 19.05.2017 and the deceased succumbed to her burn injuries on 31.05.2017.

6. Considering the aforesaid, custodial interrogation of the Applicants is not warranted. The Application are 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/- each** with one or two sureties in the like amount;

(ii) The Applicant No.1 - Sudarshan in ABA No.1030 of 2017 shall report to the investigating officer of the concerned

police station on 22<sup>nd</sup>, 23<sup>rd</sup> & 24<sup>th</sup> June, 2017 from 10.00 a.m. to 12.00 noon and thereafter, 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.

7. The Applications are allowed in the aforesaid terms and are accordingly disposed of.

8. 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.)