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

ANTICIPATORY BAIL APPLICATION NO.1081 OF 2017

Jaibai Mahadeo Kachare	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Saurabh Butala i/b Mr.R.V.Katore, for the Applicant

Ms.P. P. Shinde, A.P.P for the Respondent-State

API - M.S.Nimbalkar, Indapur Police Station, Pune (Rural).

CORAM : REVATI MOHITE DERE, J.

DATE : 30th JUNE, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.307 of 2017 registered with the Indapur Police Station, Pune (Rural), for the alleged offences punishable under Sections 302, 307 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant states that Manisha Kachare

(deceased) has in her complaint/FIR, not attributed any overt act to the applicant. He submitted that the complainant – Manisha has alleged in the FIR, that her husband – Yeshwant Kachare, quarreled with her and thereafter poured kerosene on her person and set her ablaze.

4. Learned APP states that although in the FIR/complaint, no overt act has been attributed to the applicant, in the 2nd dying declaration dated 16th May, 2017, Manisha (deceased) has stated that the applicant handed over the matchbox to her son – Yeshwant, pursuant to which, he set the deceased ablaze.

5. Perused the papers. The incident has taken place on 15th May, 2017 at about 7.00 a.m. In the said incident, it is alleged by the complainant - Manisha (now deceased), that there was a quarrel between her and her husband - Yeshwant, pursuant to which, her husband poured kerosene on her person and set her ablaze. She has stated that the applicant was standing at the door. She has further submitted that when she started shouting her younger brother-in-law poured water on her person. She has stated in her complaint, that the said complaint is against her husband –

Yeshwant. In the 2nd dying declaration dated 16th May, 2017, the deceased has stated that she had a quarrel with her husband, pursuant to which, he poured kerosene on her person and set her ablaze. She has however, stated that the applicant brought the matchbox and handed over the same to Yeshwant. There is a discrepancy with respect to the role of the applicant in the 1st and 2nd dying declaration.

6. Considering the aforesaid and the role of the applicant, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount ;

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station on 10th, 11th, and 12th July, between 10.00 a.m. to 12.00 noon, and thereafter, as and when called, till the filing of the charge-sheet;

(iii) The applicant 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.)