

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

BAIL APPLICATION NO. 2323 OF 2017

Prashant Prakash More

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. Chetan Damre for the Applicant.

Mrs. Rutuja Ambekar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 02nd NOVEMBER, 2017

P.C.:

. This is an application under Section 439 of Cr.P.C. for bail in C.R. No. I-34 of 2017 dated 02.03.2017 registered with Jaykheda Police Station, Tal. Satana District Nashik under Sections 304-B, 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2 It is the prosecution case that the Applicant is the husband of deceased Smt. Shakuntala More @ Pradnya. That the Applicant along with other family members used to demand Rs.1,50,000/- from the deceased Shakuntala @ Pradnya for purchase of a vehicle. That on 25.02.2017 at about 6.00 p.m., the Applicant along with co-accused caused unnatural death of Smt. Shakuntala by pouring kerosene on her and igniting the fire. The first information report is lodged by Shri. Pandit Patil, father of the deceased on 02.03.2017. During the

course of investigation, the Applicant came to be arrested on 09.03.2017. After completion of investigation, the police have submitted charge-sheet.

3 The record indicates that, initially on 25.02.2017, on receipt of information from the father of deceased namely Mr. Pandit Patil, an Accidental Death report was registered under Section 174 of Cr. P.C. by the Police. That deceased Smt. Shakuntala @ Pradnya expired on 26.02.2017 and the present crime is registered on 02.03.2017 at the instance of father of deceased. In the A.D.R., the first informant did not raise any suspicion against anybody and has stated that while preparing tea, due to bursting of stove deceased Smt. Shakuntala @ Pradnya received burn injuries. However, in the first information report dated 02.03.2017 a complete new version or total improvement has been mentioned by the first informant stating that, as the first informant could not fulfill the demand of applicants and other co-accused, on the date of incident they caused death of Smt. Shakuntala @ Pradnya. The record further indicates that immediately after the said incident i.e. after the said deceased Smt. Shakuntala @ Pradnya caught fire, Applicant tried to douse it and in the said process he also received burns on his hands and face. The husband/Applicant admitted her to hospital and deceased Smt. Shakuntala @ Pradnya succumbed to injury on 26.02.2017.

4 Prima facie it appears that, after deceased Shakuntala @ Pradya was engulfed by fire, the Applicant tried to douse the same and in the said process he has received injuries to both of his hands and face. As stated earlier, the

Applicant was arrested on 09.03.2017 and since then he is in jail. The investigation of the present crime is completed and charge-sheet is already filed. It is submitted that there are no antecedents at the discredit of the Applicant.

In view of the above, the Applicant can be released on bail.

Hence, the following order:

- i) The applicant be released on bail in CR No.I-34 of 2017 registered with Jaykheda Police Station, Taluka- Satana, District -Nashik on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- ii) After his release from jail, the applicant shall attend Jaykheda Police Station once in a month i.e. on every first Monday of the month between 11.00 a.m. to 2.00 p.m.
- iii) Applicant shall also attend all the dates before the Trial Court.
- iv) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.
- v) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

5 Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)