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

CRIMINAL BAIL APPLICATION NO.2386 OF 2017

Suresh Pandurang Jagtap

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Abhishek Yende, for the Applicant.

Mr.Prashant Jadhav, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 13th OCTOBER, 2017

P.C. :

1. Heard learned counsel for the parties.
2. This is the second bail application preferred by the applicant. The first bail application of the applicant being Criminal Bail Application No.1087 of 2017 was withdrawn after arguing for some time and as such was dismissed as withdrawn. However, the trial was expedited.
3. By this second application, the Applicant again seeks his enlargement on bail in connection with C.R.No.1 of 2017 registered with the Natepute Police Station, Solapur, for the alleged offences punishable

under Sections 307, 323, 143, 147, 149, 506 of the Indian Penal Code.

4. Learned Counsel for the applicant submitted that except the complainant/injured – Asha Lokhande and Padmini Sul, none of the other eye-witnesses have in their 164 statement, set out the complicity of the applicant i.e. that the applicant poured kerosene on Asha. He submitted that in all probabilities, Asha had attempted to commit suicide and later falsely implicated the applicant and others.

5. Learned APP opposed the application.

6. Perused the papers. According to the complainant/injured- Asha Lokhande, she was residing with her husband and children at Village Karunde. It appears that as the mother-in-law of the complainant had sold 9 gunthas of land, out of the common land bearing Gat No.681, allotted to them, to Dashrath Jagtap, there was a dispute regarding the same. It is a matter of record that civil proceedings are pending between the parties in the Civil Court at Malshiras. The incident in question has taken place on 5th January, 2017, when the complainant's husband was out of station and the

complainant was alone at home. According to the complainant/injured – Asha at about 10.00 a.m. all the accused i.e. 16 accused (including the applicant) came in the field, alongwith the tractor for taking possession of the said land; that when she obstructed, she was assaulted and dragged to the courtyard of her house; that the applicant-Suresh poured kerosene on her person and co-accused – Dashrath set her ablaze etc. According to the complainant, she sustained burn injuries on her face, chest, legs, abdomen and hands, on account of the same. She has further stated that when her husband learnt about the incident, he took her on the motorcycle and admitted her to the hospital. An FIR was lodged on the very same day at about 4.40 p.m. According to the complainant/injured – Asha, the accused held her, dragged her to the courtyard of her house, after which, the applicant poured kerosene on her person and co-accused Dashrath set her ablaze by lighting a match-stick. There are eye-witnesses to the said incident. Although some of the eye-witnesses have not spelt out the exact role of the applicant i.e. 'of pouring kerosene', his presence is disclosed at the spot. Padmini Sul, an eye-witness to the incident in her 161 as well as 164 statement has specifically stated that the applicant poured kerosene on the person of Asha and Dashrath set her ablaze. The medical certificate

shows that Asha had sustained 28% burn injuries. Whether or not Asha had herself poured kerosene on her person or not and thereafter falsely implicated the applicant and others is a matter, which will be decided by the trial Court.

7. *Prima facie*, considering the material on record, this is not a fit case to enlarge the applicant on bail.

8. Hence, the application for bail is rejected and disposed of as such. Vide order dated 25th July, 2017, the trial was already expedited. Accordingly, the learned Judge to conclude the trial as expeditiously as possible.

9. It is made clear, that the observations made herein are *prima facie* for deciding the aforesaid application, and the learned Judge shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)