

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2446 OF 2017**

Umesh Ramchandra Gaikwad

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Satyavrat Joshi for the Applicant.

Mr. A.A. Palkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 27th NOVEMBER, 2017

P.C.:

. This is an Application under Section 439 of Cr.P.C. for bail in C.R. No. 118/2012 dated 20.05.2012 registered with Yavat Police Station, District Pune for the offences punishable under Sections 302, 323 and 504 of the Indian Penal Code.

2. The Applicant is husband of Smt. Usha Gaikwad. It is the case of the prosecution that, on the date of incident i.e. on 19.5.2012, the Applicant had already consumed more than two glasses of liquor and continued drinking and therefore the deceased objected to the same. There was a quarrel between the Applicant and deceased and therefore the deceased threw the said liquor from the glass outside the house. The Applicant got angry for the same and assaulted the deceased. The deceased therefore threw balance liquor which was stored in a

can outside the house. The Applicant thereafter assaulted the deceased and poured diesel on her person and ignited it. After the deceased was engulfed by the flames, the Applicant put a blanket on her with a view to douse the flames. The deceased was immediately admitted to the hospital. Smt. Usha expired on 25.5.2012 while taking treatment. During the course of investigation, the Applicant was arrested on 9.6.2012 and after completion of investigation the police have submitted charge sheet.

3. Perused the charge sheet.

The record indicates that there are two dying declarations on record recorded by the Judicial Magistrate First Class and by an Executive Magistrate. It is a matter of record that the Applicant had also sustained injuries while extinguishing the flames of deceased Smt. Usha Gaikwad. As noted earlier, the Applicant is in jail since 9.6.2012 and the trial pertaining to the present trial has not yet commenced. As the Applicant is in jail for more than five years, I am inclined to release the Applicant on bail on that count alone.

Hence the following order:

i) The Applicant be released on bail in C.R. No. 118/2012 dated 20.05.2012 registered with Yavat Police Station, District Pune on his furnishing PR bond of Rs. 15,000/- with one or two solvent local sureties in the like amount.

ii) After his release from jail, the Applicant shall attend the Yavat Police

Station, District Pune on every first Monday of the month between 10.00 a.m. to 12.00 p.m. till the conclusion of trial.

- iii) The Applicant shall also attend all the dates before the Trial Court.
- iv) The Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.
- v) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)