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

CRIMINAL BAIL APPLICATION NO.2559 OF 2016

Kiran Sanjay Gaikwad	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.A.Y.Bansode, for the Applicant.

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

CORAM : REVATI MOHITE DERE, J.

DATE : 10th APRIL, 2017

P.C. :

1. Heard learned counsel for the Applicant and the learned APP for the Respondent - State.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.91 of 2016 registered with the Koregaon Police Station, Satara for the alleged offences punishable under Sections

307, 498(A), 323, 504, 506 r/w 34 of the Indian Penal Code.

3. Perused the papers. The incident in question has taken place on 27th April, 2016 at about 12 noon. The applicant's wife – Mayuri sustained burn injuries in the said incident. She was accordingly taken by the applicant to the Satara Civil Hospital for treatment. Mayuri's statement was recorded by the Head Constable on the very same day i.e. on 27th April, 2016. In the said statement she has stated that she sustained burn injuries when she was preparing tea on the stove. She has stated that her dupatta caught fire, pursuant to which she sustained burn injuries. The said incident is stated to have taken place in the deceased's grandparents's house. In the said statement she had stated that her grandparents and the applicant poured water on her person and called for an ambulance and took her to the hospital. She had stated that she had no complaint against any person. This is the 1st dying declaration. In the 2nd dying declaration dated 20th May, 2016, which is recorded by the Special Executive Magistrate, the deceased – Mayuri has stated that there was a quarrel between her and the applicant as the applicant was not willing to take her home. She has alleged in the said dying declaration that the applicant disclosed to her that he was not

taking her home as she was not getting along with his mother. She has stated that as a result of the same, she got angry and went away. It appears that the applicant handed over a bottle containing kerosene and asked her to pour it on herself. The deceased poured the kerosene on her person and sat on a stone. According to her, whilst she was sitting, the applicant set her ablaze from behind. She has stated that the applicant thereafter started running away from her and falsely disclosed to her grandmother that Mayuri had set herself ablaze. She has stated that one boy who had accompanied the applicant poured water on her person and extinguished the fire. She has further stated that her uncle reached the spot and called for an ambulance. She has also stated that the applicant threatened her in the ambulance to disclose that she had sustained injuries due to stove blast. The said dying declaration was recorded after about 25 days. The applicant has been in custody since 23rd May, 2016. It appears that co-accused i.e. the in-laws are enlarged on bail in the said case. Investigation is complete and charge-sheet is filed.

4. Considering the facts of this case, the application is allowed and the applicant is enlarged on bail on the following terms and

conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on first Monday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;
- iv) The Applicant shall not contact or attempt to influence the complainant or any persons concerned with the case;
- v) The Applicant shall co-operate in the conduct of the trial.

5. The Application is allowed and disposed of in above terms.
6. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.
7. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)