

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

ANTICIPATORY BAIL APPLICATION No. 849 OF 2018

Harichandra Dagadu Atole

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Ghansham S. Jadhav for Applicant

Mr. Vinod Chate -APP

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JUNE 7, 2018

P.C.

1. Heard. This is an application filed under section 438 of Cr.P.C. The Applicant herein is apprehending his arrest in Crime No. 24 of 2018 registered at Baramanti Taluka Police Station for the offences punishable under section 498-A, 323, 504, 506 r/w. 34 of the Indian Penal Code. Subsequently section 306 of the Indian Penal Code was added.

2. It is the case of the prosecution that the son of the present Applicant viz. Balaso Harichadra Atole was married to Surekha 10 years prior to the incident. That on 15th of January, 2018, Surekha was admitted in the hospital due to burn injuries. Her statement was recorded by the police in Sasoon Hospital, Pune

and She has disclosed that she is mother of three children. She had got married with son of the Applicant. There was harassment from the members of the matrimonial family. On one occasion, the present Applicant had got annoyed and abused her and at that time the mother-in-law had not intervened. That on 15th of January, 2010, she was fed up due to ill-treatment meted out to her and hence, poured kerosene and set herself ablaze. She died on 26th February, 2018 and hence, section 306 of IPC was added.

3. It appears from the papers of the investigation that the present Applicant is about 75 years' old. His wife, to whom the similar role is attributed, has been granted pre-arrest bail and his son has been granted bail under section 167 of Cr.P.C.

4. Taking into consideration the age of the Applicant and the fact that the co-accused has been granted pre-arrest bail, the Court is of the opinion that the Applicant has made out a case for pre-arrest bail. Hence, custodial interrogation of the present Applicant is not necessary. These observations are prima facie in nature and only restricted to present application filed under section 438 of Cr.P.C. and shall not be taken into consideration for the purpose of quashing of FIR / discharge application and/or at the time of trial. Hence, the following order:

ORDER

- (i) The anticipatory bail application is allowed.
- (ii) In the event of arrest of the Applicant in Crime No. 24 of 2018 registered at Baramanti Taluka Police Station , he be enlarged on bail on his furnishing P.R. Bond in the sum of Rs.50,000/- and one or more solvent sureties in the like amount.
- (iii) The Applicant shall report to the Baramati Taluka Police Station as and when called and shall co-operate with the Investigating Officer to the best of his capacity.

The anticipatory bail application is allowed and disposed of in the aforesaid terms.

[SMT. SADHANA S. JADHAV, J.]