

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

ANTICIPATORY BAIL APPLICATION NO.1093 OF 2018

1. Deepak Ashok Sathe	
2. Sou Muktabai Ashok Sathe	
3. Anita Ashok Sathe	...Applicants
Versus	
The State of Maharashtra	...Respondent

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Ms Avanti Inamdar I/b. Mr. Rameshwar N. Gite for the Applicants.
Mr. P.N. Dabholkar, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 25th OCTOBER, 2018.

P.C.:-

This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicants apprehending their arrest in Crime No.165 of 2018 registered with Nashik Road Police Station, District-Nashik, for offences punishable under Sections 307 and 506 r/w. 34 of the Indian Penal Code, 1860.

2. Heard Ms Avanti Inamdar, the learned counsel for the Applicants and Mrs. P.N. Dabholkar, the learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR dated 25.4.2018 lodged by the first informant-Jyoti Sathe, wife of the Applicant No.1. The first informant has alleged that her husband i.e. the Applicant No.1 always used to talk to one girl on mobile. On 25.2.2018 when she questioned her husband about the same, he assaulted her and thereafter poured kerosene over her and set her ablaze.

4. The records reveal that the statement of the first informant was also recorded on 26.2.2018 wherein she had stated that she had sustained injuries due to stove blast. Her statement was again recorded on 4.3.2018, wherein she had once again stated that she had sustained injuries due to sudden blast of stove. Thus, in the previous statements the first informant had stated that she was accidentally burnt. The accusations made in the FIR, which was lodged about two months after the incident are at variance with the previous statements. Considering the above facts this Court had by order dated 8.6.2018 granted interim bail to the Applicants with directions to report to the investigation officer. The Applicants have reported to the investigation officer and have been interrogated. Hence, presence of the Applicants is no longer

required for the purpose of interrogation or investigation.

5. Considering the above facts and circumstances, the application is allowed on following terms and conditions:-

- (i) In the event of arrest of the Applicants in Crime No.165 of 2018 registered with Nashik Road Police Station, District-Nashik, the Applicants shall be released on bail on furnishing bail bonds of Rs.50,000/- each with one or two solvent sureties in the like amount.
- (ii) The Applicants shall report to the investigation officer as and when required and called by the investigation officer.
- (iii) The Applicants shall furnish their permanent as well as temporary addresses, if any, and their contact details to the concerned investigation officer.
- (iv) The Applicants shall not change their residential addresses without prior intimation of the concerned investigation officer.

(SMT. ANUJA PRABHUDESSAI, J.)