

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

Cri. BAIL APPLICATION NO. 1757 OF 2018

Prashant Eknath Patil

... Applicant.

V/s.

The State of Maharashtra

... Respondent.

Mr. Nitin Sejpal, Advocate a/w. Akshata B. Desai, Advocate for the Applicant.

Mr. S. R. Agarkar, APP for the State.

Mr. Narendra Popatrao Patil, Police Sub-Inspector, Pen Police Station is present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : SEPTEMBER 12, 2018.

PC :

1 This is an application under Section 439 of Criminal Procedure Code, filed by the aforesaid applicant who is facing trial in Sessions Case No. 53 of 2016 pending on the file of learned Additional Sessions Judge at Alibag, District-Raigad. The said case arises from C.R.No. I-16 of 2016 registered with the Pen Police Station, for offences punishable under Sections 498(A), 306 read with section 34 of Indian Penal Code, pursuant to the first information report lodged by complainant - Gurudas Ramdas Bhoir.

2 Heard Mr. Nitin Sejpai, learned counsel for the applicant, Mr. S.R. Agarkar, learned APP for the State. Perused the records and considered the submissions advanced by the learned Counsels for the respective parties.

3 The Applicant herein and his wife deceased - Reshma were married on 23rd May, 2013. Said Reshma committed suicide by setting herself ablaze on 20.01.2016 and she succumbed to the injuries on 24.01.2016. Brother of deceased Reshma lodged the FIR on 31st January, 2016, alleging that the applicant and his family members had demanded dowry and subjected Reshma to cruelty. In addition, prosecution has also relied upon the dying declaration of Reshma recorded on 21.01.2016 by the Executive Officer. In the said dying declaration, the deceased Reshma had alleged that her husband used to raise doubt of her character/reputation and used to always harass her. She has stated that on 20.01.2016, she had set herself ablaze as she was tired on the suspicious nature of her husband. She has also stated that her husband used to assault her under the

influence of alcohol and unable to bear such humiliation, she had set herself ablaze.

4 It may be mentioned here that the postmortem report, prima facie, reveals that the deceased had sustained 90% burn injuries. There is nothing on record to show that Reshma was examined by any medical officer before her statement was recorded and that she was physically or mentally fit condition to give statement. Even otherwise the statement of the deceased, prima facie, shows that the applicant had himself tried to extinguish the fire by pouring water on the deceased wife and had taken Reshma to the hospital.

5 Considering the above facts and circumstances, in my considered view the applicant is entitled for bail on the the following terms and conditions.

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in Sessions Case No. 53 of 2016 pending on the file of learned Additional Sessions Judge at Alibag, Dist. Raigad on his furnishing bail bonds of Rs. 50, 000/- with one or two sureties in the like amount to the

satisfaction of the learned Additional Sessions Judge, Alibag.

(iii) The applicant shall report to the Investigating Officer on first Monday of every month till conclusion of the trial.

(iv) The applicant shall furnish his permanent and temporary addresses, if any, and his contact details to the Investigation Officer.

(v) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

(vi) The applicant shall not interfere with the complainant/first informant, other witnesses and shall not tamper with the evidence in any manner.

5 Needless to state that the above observations are only for the purpose of deciding this bail application and shall not be construed as expression of opinion on the merits of the case.

6 The criminal bail application is disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)