

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1738 OF 2017

Vishwas Ramdas Patil & ors. ...Applicants

Versus

The State of Maharashtra & anr. ...Respondents

Mr. Agastya Desai, h/f Mr. Niranjana Mundargi, i/b Kabul Singh Labana, for the applicants.

Smt. J. S. Lohokare, APP for the State/Respondent no.1.

Mr. Prasanna K. Shahane, for Respondent no.2.

Mr. Ghansham V. Palange, Sr. P.I., Hill-line Police Station, Ulhasnagar city.

**Santosh
Subhash
Kulkarni**

Digitally signed
by Santosh
Subhash Kulkarni
Date: 2018.07.17
14:55:19 +0530

CORAM: A. S. GADKARI, J

DATED: 11th JULY, 2018

PC:-

1. The applicants were granted interim relief by an Order dated 3rd October, 2017.

Heard the learned Counsel for the applicants and the learned APP. Perused the record of investigation.

2. The name of the deceased is Mrs. Deepa Vishwas Patil and the date and time of incident is 24th February, 2017 at about 12.30 pm. The first information report is lodged by

Smt. Sumitra Pandurang Wayale, the mother of deceased Mrs. Deepa.

It is the case of prosecution that the marriage of Mrs. Deepa was solemnised with applicant no.1 Vishwas R. Patil on 15th March, 2011. The applicants nos.2 to 4 are the in-laws of Mrs. Deepa. That the applicant no.1 used to harass and cause torture to the deceased on trivial grounds. He also used to demand dowry from her parents. It is alleged that as the father of the deceased did not give satisfactory dowry to the applicants, the applicants used to pass sarcastic comments against the deceased and her parents. It is alleged that immediately prior to the date of incident on various occasions the applicant no.1 had assaulted the deceased and the said fact was informed by the deceased to her father and mother on telephone. It is the further prosecution case that, on 24th February, 2017, there were quarrels between the applicants and the deceased and thereafter when the applicant no.1 had been to his job, the other three applicants assaulted Deepa, tried to strangulate her and thereafter pour kerosene on her person and set her ablaze. They immediately thereafter threw Deepa from the

terrace of the building and committed murder of Mrs. Deepa. The said fact was informed to the first informant by a witness namely Shri. Vitthal Vaijale. The present crime is thereafter registered on 5th May, 2017.

3. The learned Counsel appearing for the applicants submitted that there is a delay of about two and half months in lodging the present crime. He submitted that the applicant no.1-husband was not present at the scene of offence at the relevant time when the alleged murder of Mrs. Deepa was committed by other three applicants. He further submitted that the medical report does not corroborate with the version of attempt of strangulation as vein marks on the neck of the deceased are absent. He submitted that there is every probability that the deceased herself might have jumped from the terrace of the building. He submitted that the investigation of the present crime is at the verge of completion and therefore the applicants be protected by pre-arrest bail.

4. The record of investigation indicates and in particular the post-mortem notes itself mentions that the concerned Medical Officer has observed burn injuries on the person of

deceased. The Medical Officer has further reported that the deceased had suffered 85% of burns. It appears that the said burns were ante-mortem. There are several injuries suffered by the deceased to her head and there are corresponding internal injuries to the brain. Thus, *prima facie*, it appears that the version of the first informant that, the applicants initially poured kerosene on the person of the deceased and ignited it and subsequently threw her from the third floor terrace of the building has sufficient corroboration to it.

5. It is further to be noted here that during the course of investigation, statements of two witnesses under Section 164 of Criminal Procedure Code have been recorded by 7th Civil Judge, Junior Division and Judicial Magistrate, First Class, Ulhasnagar, on 19th May, 2017. It is stated that, the applicant no.2 had told the witnesses that, the applicants have killed Mrs. Deepa and not to make any grievance about the same. It is further stated that, the applicant no.2 also asked the said witnesses to do whatever they want to do. It, *prima facie*, appears that there is an extra-judicial

confession given by the applicant no.2 to the said witnesses about commission of the crime.

6. After perusing the record of investigation, *prima facie*, it appears that there is sufficient material available on record to indicate clear complicity of the applicants in the present crime alleged under Section 302 and other allied sections of the Indian Penal Code. The record clearly indicates the complicity of the applicants in the present crime as apparent.

7. After taking into consideration the aforesaid facts, the record of investigation, serious allegations against the applicants and the gravity of the offence, this Court is of the considered view that the applicants do not deserve to be protected by pre-arrest bail.

8. Application is accordingly rejected.

[A. S. GADKARI, J.]