

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2449 OF 2018**

Shivram @ Shankar Narasayya Kombekar ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Jaydeep Mane for the Applicant.

Mr. S.S.Pednekar APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : OCTOBER 24, 2018.**

P.C.

1. This is an application under Section 439 Cr.P.C. filed by the aforesaid applicant, who has been arrested in C.R.No. 143 of 2018 registered at Sadar Bazaar Police Station, Solapur for the offences under Section 302, 498A, 504, 506 r/w. 34 of IPC.

2. Heard Mr. Mane, the learned Counsel for the applicant and Shri Pednekar, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Shankar Salve, the father of deceased Anuradha. Said Anuradha

was married to Venkatesh, son of the present applicant on 17th December, 2012. They had one child from the said wedlock. It is alleged that since the time of marriage, the husband of deceased Anuradha and his family members were ill-treating her. There are allegations that they were demanding dowry. The first information report *vis-a-vis* the dying declaration of the deceased *prima facie* reveals that on 12.4.2018 at about 19.00 hours the co-accused Venkatesh, i.e. the husband of Anuradha had poured kerosene on Anuradha and set her ablaze. There are also allegations that the mother-in-law of the deceased had enticed her son Venkatesh to set the deceased on fire. The dying declaration of deceased Anuradha does not indicate that the applicant was present at the place of the incident, or that he was involved in setting her ablaze and/or enticing his son Venkatesh to set her ablaze.

4. The nature of the allegations therefore does not justify further detention. The investigation is concluded, charge-sheet has been filed and the presence of the applicant is no longer required in custody for interrogation. Furthermore, the applicant is a permanent

resident of Solapur. There are no chances of his absconding or thwarting the course of justice. He has no criminal antecedents.

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

- (i) The applicant who is facing trial in Crime No.C.R.No. 143 of 2018 registered at Sadar Bazaar Police Station, Solapur, be released on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the learned Addl. Sessions Judge, Solapur;
- (ii) The applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer and in the bail bond;
- (iii) The applicant shall not change his residential address without prior intimation to the Investigation Officer.
- (iv) The applicant shall not tamper with the evidence or interfere with the witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)