

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3008 OF 2017***

Mr. Rizwan Karamatullah Bagwan	Applicant
Versus	
The State of Maharashtra	Respondent

Mr.Md. Arshad Nehal, for the applicant.
Mrs.P.P.Shinde,APP, for the State.

***CORAM : SMT. SADHANA S.JADHAV, J.
DATE : 25th January, 2018.***

P.C. :

1. Heard. This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 22.10.2016 in C.R. No.724 of 2016 registered at Nigdi Police Station, Pune, for the offences punishable under Sections 302, 498A, 323, 504 read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that on 14.10.2016, Rubina, who happens to be the wife of the brother-in-law of the applicant was admitted in the hospital with history of burn injuries. her statement was recorded on the same day. She had disclosed to the police that on

14.10.2016 at about 9 a.m., she was preparing tea on a stove. That her dupatta had caught fire accidentally when she was trying to pick up her minor child. She had specifically stated that Rizwan Bagwan (the applicant herein) had extinguished the flames by pouring water and she was admitted in the hospital. That she does not speak of any foul play or any suspicion against anybody.

3. She succumbed to the burn injuries on 18.10.2016. Thereafter, the mother of deceased Rubina had lodged a report at the police station on 22.10.2016 alleging therein that on 14.10.2016 when she received a message that her daughter had sustained burn injuries, she had been to the hospital along with her son Taufik. Upon enquiry made by her mother, Rubina had disclosed that there was a quarrel between her in-law and herself at about 9 a.m. and thereafter the accused persons had dragged her inside the house and had poured kerosene on her and set her ablaze. On the basis of the said report, Crime No.724 of 2016 is registered at Nigdi Police Station for the offences punishable under Section 302 of the Indian Penal Code. The husband of the deceased i.e. Sagir was arrested and has been enlarged on bail by this Court vide order dated 8.12.2017. Prima facie, the case rests on dying declaration which shows that she had sustained

accidental burns. Hence, the applicant deserves to be enlarged on bail.

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or more solvent sureties in the like amount.

The application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)