

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

CRIMINAL BAIL APPLICATION NO.918 OF 2020

Rameshwar @ Bala Madhukar Bhagwat ..Applicant
Vs
State of Maharashtra ..Respondent

Mr.H.Z. Shaikh a/w Mr.Anand Palande for the Applicant.

Ms.M.H. Mhatre, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

**DATE : 26th OCTOBER 2020
(Through Video Conference)**

PC.

1. The applicant is facing prosecution for the offence punishable under Section 304(II), 326, 493, 338, 285 and 188 of the Indian Penal Code.

2. The prosecution case as disclosed from the statement of Laxmi Dinesh Raut (Since deceased) is that she was earlier married to one Dinesh Raut. After the expiry of her husband, she got acquainted with the present applicant. Subsequently, she married the applicant on 22nd January 2020. However, she continued to live with the parents of Dinesh Raut. The deceased had three children

out of first wedlock with Dinesh Raut. It is said that she was insisting the applicant to take her, so that both of them can stay together inasmuch as both of them were married. However, the applicant was refusing to take the deceased for co-habitation. It was on account of this that there was a dispute and a quarrel between the applicant and the deceased on 14th February 2020.

3. It is the material prosecution case on 15th February 2020, at about 4.00 pm the applicant made a telephonic call to the deceased and asked her to come to Lasalgaon bus sand. The deceased went there on her two wheeler and while going there collected petrol in a bottle. When she reached Lasalgaon bus stand the applicant along with his matrimonial uncle were standing there. It is said that the applicant informed her that their marriage is not acceptable to his family members. However, still the deceased insisted to take her for co-habitation. It is said that at this stage there was an altercation between both of them and when the deceased was filling petrol from the bottle in the scooter, there was a scuffle between them and the petrol spilled over the clothes of the deceased. After this the applicant is alleged to have taken out a matchstick threatening to put himself on fire, when the deceased is alleged to have snatched the burning matchstick as a result of which

her clothes accidentally caught fire. After this the applicant and his maternal uncle fled from the spot. In the incident the deceased sustained about 67% burn injuries and she scummed to the same on 21st February 2020.

4. During the course of the investigation the statement/dying declaration of Laxmi was recorded and after completion of the investigation a charge-sheet is filed.

5. I have heard the learned counsel for the applicant and the learned Additional Public Prosecutor. Perused record.

6. *Prima facie* from the perusal of the statement dated 15th February 2020 of Laxmi and her dying declaration recorded by the Executive Magistrate, it appears that during the scuffle the petrol spilled over the clothes of the deceased and it was the applicant who threatened to set himself on fire and in the incident when the deceased tried to intervene that she was accidentally burnt.

7. The learned Additional Public Prosecutor in all fairness states that the statement of the deceased does not show that it was the applicant who made any attempt to set the deceased on fire.

The learned counsel for the applicant states that the incident was purely an accident.

8. Although there are some imponderables in the prosecution case as to why the deceased carried petrol worth Rs.50/- in a cane from Gunjal Petrol Pump, when the petrol could well have been filled in the vehicle itself, however, this is not the stage where the evidence can be appreciated in details.

9. *Prima facie* going by the statement of the deceased and having regard to the fact that the investigation is complete and the charge-sheet is filed the following order is passed.

ORDER

(i) The applicant be released on bail on executing a PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

(ii) The applicant shall undertake to remain present before the learned Sessions Judge during the course of the trial.

(iii) The applicant shall not tamper with the prosecution evidence/witnesses.

(iv) The bail bonds to be furnished before the learned Sessions Judge.

(v) The observations herein are of a *prima facie* nature and the learned sessions Judge shall not be influenced by the same at the trial.

(vi) The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.