

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 275 OF 2021

Vishal s/o Pralhad Ghuge ...Applicant

Versus

The State of Maharashtra ... Respondent

...

Advocate for the Applicant : Mr.Sandeep D. Munde

APP for the Respondent – State : Mr. A. V. Deshmukh

...

CORAM : V. G. BISHT, J.

DATE : 23rd SEPTEMBER, 2021

PER COURT :-

1. This is an application under section 438 of the Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No.37/2021, registered with Kallamb Police Station, District Osmanabad for the offences punishable under Sections 307, 498-A, 324, 109 and 506 of the Indian Penal Code, 1860.

2. The prosecution alleges that informant is wife of applicant. On 22.01.2021 the applicant poured kerosene on the person of informant and while he was searching for a match stick, the informant apprehending danger to her life ran

away from the house. Later on she lodged the report against the applicant.

3. Mr. Sandeep D. Munde, learned counsel for the applicant, submits that having regard to the accusations the custody of the applicant is not necessary and therefore the present application deserves to be allowed.

4. Mr. A. V. Deshmukh, learned APP for the Respondent - State, on the other hand, opposed the submissions by contending that the investigation is in progress and therefore the present application needs to be rejected.

5. I have gone through the contents of First Information Report and investigation papers. It appears that there was an attempt from the side of applicant to set informant on fire after pouring kerosene on her person. However, the learned APP has produced on record the supplementary statement of informant wherein she has resiled from the contents of F.I.R. and reason for the same is that because of some misunderstanding the said F.I.R. came to be lodged. According to learned counsel now the applicant and informant are residing together.

6. Even otherwise if the contents of F.I.R. is taken as a whole, I do not find the necessity of custodial interrogation and therefore, on this count alone, the application deserves to be allowed. Hence, the following order :-

ORDER

- (1) The Application is allowed.
- (2) Interim protection granted by this Court on 18.03.2021 is confirmed and made absolute.
- (3) Application is accordingly disposed of.

**(V. G. BISHT)
JUDGE**

shp/-