

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

925 BAIL APPLICATION NO.354 OF 2021

**MUNAWAR @ MANWAR S/O. YUSUF SHAIKH
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. S.J. Salunke h/f. Gadegaonkar Bharat N.
APP for Respondents/State : Mrs. D.S. Jape
...

**CORAM : M.G. SEWLIKAR, J.
DATE : 26th August, 2021**

PC.:-

Heard.

2. By this application under Section 439 of the Cr.P.C., applicant is seeking bail in connection with Crime No. 516 of 2020 registered with Kadim Police Station, District Jalna under Section 302 read with Section 34 of the I.P.C.

3. According to the prosecution case, the applicant had illicit relations with one woman by the name of Savita alias Manisha. There used to be frequent quarrels between the deceased the wife of the applicant and the applicant on account of this illicit relation. In the night of the incident the applicant, who is a truck driver came back home. Probably, applicant and the

deceased had a heated exchange of words because of which, according to the prosecution, the applicant set the deceased on fire. Deceased had sustained 100% burn injuries. The deceased was shifted to the hospital where she was declared dead.

4. Learned counsel Shri Salunke submitted that the deceased might have committed suicide as she was fed up of illicit relations between the applicant and the said Savita. It is alleged that the applicant had forwarded a video clip of the illicit relations to his brother in law i.e. brother of the deceased. He further submitted that the applicant had no intention to commit the murder of the deceased as he tried to extinguish the fire and in that process he sustained burn injuries to his legs.

5. Learned APP Smt. Jape submits that the applicant, if he had true intention of extinguishing fire, he would have sustained injuries on his palm and not on the legs. She submitted that the deceased was proving to be a hurdle in the illicit relations between him and the said Savita. To get rid of the deceased, the applicant set her on fire. Statement of the son of the applicant also corroborates the prosecution story. She, therefore, prayed for rejection of the application.

6. Charge-sheet has been filed. Therefore, custody of the applicant

is not at all required. There is no eye witness to the incident. Incident took place in the night at 12.30 am. At that time, son of the applicant aged 7 years was sleeping. His statement has been recorded. Prosecution claims that he is an eye witness to the incident. However, from his statement position appears to be otherwise. His statement is in question and answer form. He has stated that when he woke up he found his mother burning. This clearly shows that he is not an eye witness to the incident. He doesn't say that he saw the applicant setting his mother on fire. *Post mortem* report shows that deceased sustained 100% superficial to deep thermal burn injuries. The arrest panchanama shows that the applicant had sustained burn injuries to his legs. If at all he had the intention to set the deceased on fire, there would not have been injuries on his legs. Why the applicant did not use his hands for extinguishing fire will be clear only after trial commences. Considering the evidence on record, I am inclined to release the applicant on bail. Hence the following order is passed:

ORDER

- I) Application is allowed.
- II) Applicant be released on PR bond of Rs.50,000/- with one solvent surety in the like amount, in connection with Crime No.516 of 2020 under Section 302 read with Section 34 of the I.P.C.

registered with Kadim Police Station, District Jalna.

- III) These observations are made only for the disposal of this application and the learned trial Court shall not get influenced by these observations and can come to its independent conclusion during trial.

[M.G. SEWLIKAR, J.]