

Asha w/o Deepak Chavan ... **Applicant**
Age 35 years, Occu: Household
R/o TPS Colny, Parli-V,
Tq. Parli, District Beed.

The State of Maharashtra, ... Respondent
Through Sambhajinagar Police Station,
Parli Vaijnath, District Beed.

CORAM : V. G. BISHT, J.
DATE : 13th August, 2021.

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. 0088/2021, registered with Sambhaji Nagar Police Station, District Beed for the offences punishable under Sections 307, 498(A), 504, 34 of the Indian Penal Code, 1860.

Page 1 of 4

While, mother-in-law had caught hold the informant, the present applicant set her on fire by means of matchstick.

3. Mr. S. R. Bagal, learned counsel for the applicant, submits that there was no harassment at all of whatsoever nature for about nine years after the marriage and all of a sudden, the alleged incident involving the present applicant falsely came to be reported. The learned counsel then submitted that the first information itself is vague inasmuch as it is nowhere made clear as to how simply by means of matchstick, the informant was set on fire. Thus, the complaint itself is not beyond suspicion. Moreover, according to the learned counsel, the applicant's daughter, at the relevant time, was suffering from serious kidney ailment and to substantiate that, the learned counsel invited my attention to the medical papers of the applicant's daughter and contended that the applicant being highly educated lady and having regards in the society, could not have done so as is alleged. Moreover, she has movable and immovable property and there is no possibility of her fleeing from justice. Thus, for these reasons, the present application needs to be allowed, urged learned counsel.

4. Mrs. V. S. Chaudhari, learned A.P.P., on the other hand, submitted that very specific allegation is made against the applicant. Learned A.P.P. invited my attention to the medical papers wherein the history of burn at the hands of the applicant is also given. According to learned A.P.P., the informant sustained 16-19% burn injuries.

Investigation is in progress and therefore, it would not be possible to grant any relief to the applicant.

5. First of all, what strikes in the mind is that merely with the help of matchstick how the applicant allegedly was in a position to set the informant on fire. The first information report nowhere shows whether any inflammable article or for that matter kerosene was used in order to set the informant ablaze.

6. Secondly, it appears from the medical papers submitted by the learned A.P.P. that after the incident, the informant was rushed to Gite Hospital by her own family members. Treatment papers of Gite Hospital shows that there was burns over abdomen and chest to the extent of 10%. Interestingly, there is also a letter dated 12,07.2021 written by Dr. Sachin Gite to Shri C.H. Medhke, Police Sub Inspector, Police Station Sambhajinagar, Parli Vaijnath informing that the informant had visited his Hospital at about 5.30 a.m. on 11.06.2021 in a burnt condition and informant gave him information that she sustained burn injuries accidentally by hot water and also further told that she had no complaint against anybody. Because of this reason, the police was not informed.

7. Now, if we turn to the treatment given at the Government Hospital at Parli Vaijnath, there the history as to the incident given by the informant is altogether different. The informant gave history to the effect that she was hold by mother-in-law and sister-in-law burnt her

by means of matchstick. Thus, prima facie, there is conflicting history appearing from the medical records.

8. For the aforesaid reasons, in my considered opinion, this is a fit case where protection in the form of anticipatory bail required to be given in favour of the applicant.

9. In view of above, the interim relief granted by this Court on 8th July, 2021 is made absolute and is confirmed.

10. Application stands disposed of.

(V. G. BISHT, J.)

JPC