

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

36 BAIL APPLICATION NO.1018 OF 2021

1. BALIRAM ANGAD PHAD
2. SUBHADRA BAI BALIRAM PHAD
3. DIPALI BALIRAM PHAD

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Bhavthankar Vivek Vasantrao
APP for Respondents/State : Mr. A.A. Jagatkar

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CORAM : M.G. SEWLIKAR, J.
DATE : 20th September, 2021

PC.:-

Heard.

2. It is the prosecution case that the informant got married with one Anuruth Baliram Phad in the year 2011. Applicant no.1 is the father in law, applicant no.2 is the mother in law and applicant no.3 is the sister in law of the informant. The couple has a son by the name of Prathmesh. Since beginning, her husband used to dislike her. He used to torture her physically and mentally. Applicant nos.1 and 2 also used to harass her. In the year 2015, the applicants and her husband spurned her out of the house. Therefore, she had lodged the complaint against the applicant and the same was settled

amicably. Thereafter, the informant had gone to the applicants place for co-habitation. In the year 2019 again she was driven out of the house. On 04.07.2021 she was taken by her husband to the matrimonial place. On 06.07.2021, one Gitaram Munde the brother in law of the husband of the informant asked the applicant as to why he had brought back the informant. The informant replied as to what business the said Gitaram Munde had, thereupon her husband beat her because of which she had a swelling on her head. Her sister in law Savita brought a can of diesel doused her with it and applicant no.2 Subhadrabai set her on fire. Applicant no.3 tried to close the door when the informant was trying to go out of the house. One Sudhakar Latpate extinguished the fire. He brought her to the hospital on motorcycle. On these allegations FIR came to be lodged under Section 307, 498-A, 323, 324, 504 read with Section 34 of I.P.C. at Gangakhed Police Station, District Parbhani vide Crime No.245 of 2021.

2. Heard Shri Bhavthankar learned counsel for the applicants and Shri Jagatkar learned APP for the State.

3. Shri Bhavthankar submits that both her husband and Gitaram Munde were not present at the spot. Their employer i.e. the company has given the certificate that both of them were present in their respective offices at Pune. He submits that CCTV footage has also been provided to the

prosecution by the accused. He further submits that the informant has been discharged from the hospital.

4. Learned APP Shri Jagatkar submits that offence is serious in nature. Plea of *alibi* cannot be taken at the stage of hearing of bail application. He submits that the informant was set on fire by her husband and Gitaram Munde and match stick was lighted by applicant no.2. He submits that considering the seriousness of allegations the applicants should not be released on bail.

5. On perusal of investigation papers, it is seen that the investigation is almost complete. Statements of the witnesses have been recorded. Injury certificate has been collected. It shows that the informant had 17.5% of burns. It is not in dispute that the informant has been discharged from the hospital, therefore, there is no possibility of conversion of offence into a graver one. The only formality of presenting the charge-sheet seems to have been left. Allegations against the applicants are general in nature. No specific role is attributed to any of the applicants in so far as harassment and ill-treatment on account of non-fulfillment of unlawful demand is concerned. Applicants do not have any criminal antecedents. They have permanent residence at village Dongar Pimpala. They are not likely to flee from justice. In this view of the matter, case for bail is made out. Hence, the following order is passed:

ORDER

- I) Application is allowed.
- II) Applicants be released on PR bond of Rs.15,000/- each with one solvent surety in the like amount each, in connection with Crime No.245 of 2021 under Section 307, 498-A, 323, 324, 504 read with Section 34 of the I.P.C. registered with Gangakhed Police Station, District Parbhani and on condition that they shall not interfere in the investigation, they shall not presurise the witnesses and shall report to the concerned police station once in a week i.e. on every Wednesday between 10.00 and 1.00 pm till filing of the charge-sheet.
- 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.]