

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

ANTICIPATORY BAIL APPLICATION NO. 1093 OF 2021

Gulshan Meraj Shaikh. ... Applicant.

V/s.

State of Maharashtra. ... Respondent.

Ms. Priyanka Chavan, advocate for applicant.

Mr. K.V. Saste, APP for State.

Ms. Swati R. Khedkar, API, Nigadi Police Station, Pimpri Chinchwad.

CORAM : SMT. SADHANA S. JADHAV

DATE : APRIL 23, 2021.

PC.

1 Heard the learned Counsel for the applicant and the learned APP for State through video conferencing.

2 This is an application under section 438 of the code of Criminal Procedure, 1973 seeking pre-arrest bail in Crime No. 444 of 2020 registered with Nigadi Police Station, Pune for the offence punishable under section 302, 307, 306, 494, 498(A), 504, 511 read with Section 34 of the Indian Penal Code. The investigation is

completed and charge-sheet is filed. The applicant herein was initially protected by way of interim pre-arrest bail by the Sessions Court vide Order dated 7th January, 2021, which was subsequently vacated, as the application was rejected on 30th March, 2021.

3 The facts of the case are that on 19/11/2020 one Sheetal Sachin Banpatte was admitted in Surya Sahyadri Hospital at Pune with burn injuries. Her statement was recorded. According to her, she was married to Sachin BaNpatte in the year 2014. They are blessed with daughter namely Ovi. In January, 2020 she noticed that her husband was having illicit relationship with one Alisha Shaikh, who happens to be the sister of the present applicant. There used to be intermittent quarrel between the couple on account of the same. On 19/11/2020 she had drawn some petrol from her Jupiter bike. She had drenched herself with petrol and went to the house of Alisha Shaikh. She had questioned Alisha as to why she had got married to her husband. A quarrel had taken place on the staircase of her house. At about 4 p.m. the complainant had threatened Alisha that she would immolate herself and blame Alisha for the same. The match stick box had fallen from her hand. The present applicant is alleged to have intervened in

the quarrel between Alisha and Sheetal. At that time, Alisha is alleged to have lit match stick. Since the clothes of Sheetal had been drenched with petrol, she caught fire. She has alleged that at the time of incident, brother and mother of Alisha were also present. She was admitted in the nearby civil hospital. The husband of Sheetal had then admitted Sheetal in Surya Sahyadri Hospital at Pune. She succumbed to the injury on 25/11/2020. Hence, section 302 of the Indian Penal Code was added.

4 The case rests on the dying declaration of Sheetal. There is specific allegation against Alisha. The only allegation against the present applicant is that she had intervened in the quarrel between Alisha and Sheetal.

5 In view of the fact that the investigation is completed and charge-sheet is filed and moreover, there is no specific allegations against the present applicant, custodial interrogation is unwarranted and unjustified. Hence, the applicant deserves to be granted pre-arrest bail.

6 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in Crime No. 444 of 2020 registered with Nigadi Police Station, Pune, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- with one or more sureties in the like amount.
- (iii) The applicant shall attend police station as and when called by the Investigating Officer and cooperate with the investigating agency.
- 7 The application stands disposed of on the above terms.

(SMT. SADHANA S. JADHAV, J)