

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

914 BAIL APPLICATION NO.367 OF 2022

VIJAY @ BANDU APPASAHEB GAWLI
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Shri Rajendra L. Kute
APP for Respondent : Shri A.V.Deshmukh

...
CORAM : M.G.SEWLIKAR, J.

DATE: 6th April, 2022

PER COURT :-

1. Heard.

2. Applicant is the husband of deceased Suvarna. On 13th May, 2021, applicant had asked deceased Suvarna to prepare tea for him and went out of the house. When he came back, he found deceased Suvarna had set herself on fire. Applicant made a call to his father and apprised him of the incident. Father of the applicant advised the applicant to take deceased Suvarna to the hospital but the applicant refused to do so saying that burn injuries were not serious. On 14th May 2021 father of the applicant intimated Police Patil of the village. Police Patil in turn informed the Police Station about the incident. Deceased Suvarna was not shifted to the hospital. On the next day of the

incident, dead body was referred for post mortem. In the post mortem, it was revealed that the deceased Suvarna had head injury and cause of death was "head injury associated with Burn".

3. Shri R.L.Kute, learned counsel for the applicant submits that deceased Suvarna committed suicide. At the time of the incident, applicant was outside of the house. Therefore, he has no role to play in the death of the deceased.

4. Post mortem report shows that deceased Suvarna had head injury. Column No.19 of the post mortem report shows fracture of occipital region. She had 68% burns. The conduct of the applicant shows his involvement in the offence. At the time of the incident, he alone was there in the house. Deceased Suvarna had sustained head injury. How she sustained head injury can be explained only by the applicant only as it is within his special knowledge. Parents of the applicant and parents of the deceased Suvarna were not living with the applicant. Applicant and Suvarna alone were living. Therefore, the FIR was lodged by the Police Head Constable, Kopargaon Taluka Police Station. Having regard to the circumstances in which the offence occurred, I am not inclined to release the applicant on bail.

Hence, the order :

ORDER

- i) Bail Application is dismissed.
- ii) It is clarified that the observations made in this order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

**(M.G.SEWLIKAR)
JUDGE**

SPT