

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

BAIL APPLICATION NO.1218 OF 2023

Somnath Sidram Mane

...Applicant

VERSUS

The State of Maharashtra

...Respondent

...

Mr. P.M. Gaikwad, Advocate for the applicant.

Mr. S.P. Deshmukh, APP for the respondent-State.

...

CORAM : S.G. MEHARE, J.

DATED : AUGUST 18, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant seeks bail in Crime No.224 of 2022 registered with Bembli Police Station, District Osmanabad for the offence punishable under Sections 302, 323 r/w 34 of the Indian Penal Code.
3. Learned counsel for the applicant would submit that false allegations have been levelled against the applicant that he ignited the match box and set the deceased to fire. In fact, at the time of the incident, the victim was residing at Village Ashta Kasar where the applicant was serving. However, the applicant was at Village Bembli. The victim came there and started quarreling with the applicant. In the quarrel, she poured kerosene on her person and ablazed herself.

The applicant tried to extinguish the fire and while extinguishing the fire, he has also sustained injuries. However, the story was developed that the applicant, his sister and brother-in-law slapped her, poured kerosene on her person and the applicant set her on fire. When she was admitted, she was not in a position to give the statement and the doctor has also endorsed to that effect. On the next day, the doctor gave an endorsement that the victim was in a position to give the statement. It was a incorrect endorsement. The statement as to the cause of death of the deceased does not bear the thumb impression as her thumb was burnt. In this situation, the toe impression was possible to be taken, but that was not done. He would submit that one of her relative is serving in police department and he has managed this all. On the contrary, when he admitted the victim, he himself has given the information to the Bembli Police Station that she burn by pouring kerosene on her person. He would submit that the applicant has played no role in the crime. Hence, he may be granted bail.

4. Per contra, learned APP for the State would submit that *prima facie* evidence is available against the applicant. The applicant ignited the match box and set the deceased on fire. The offence is serious. The endorsement of the examining doctor cannot be discarded at this juncture. The applicant flee away after the incident.

There is ample material against the applicant. Hence, he may not be granted bail.

5. Perused the papers. There appears variance as regards the incident. There are witnesses stating that the applicant tried to extinguish the fire. The medical evidence supports his contention that in an attempt to extinguish the fire, he has also sustained the burn injuries. There are inconsistent statements as regards to the cause of burning of the victim. There are two contradictory opinions about her mental condition and ability to give the statement. The applicant is languishing in jail for more than nine months. Nothing is to be recovered from the applicant.

6. For the above reasons, the Court is of the view that further detention of the applicant would serve no purpose. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Somnath Sidram Mane, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with the above crime, on the conditions that he shall not tamper with the prosecution witnesses.

(4)

(iii) The applicant shall attend the trial on each effective date and shall not protract the trial.

(S.G. MEHARE, J.)

Mujaheed//