



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

BAIL APPLICATION NO. 1135 OF 2023

MR. ANIL RAJBAHADDUR CHAURASIYA ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Ms. Smita Bankoti a/w Mr. Gopal Dalvi, for the Applicant.
Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 30, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under sections 302, 307, 304, 494 of the Indian Penal Code, 1860 registered on 01/11/2021 vide C.R. No.386 of 2021 with Kalwa police station. The applicant was arrested on 01/11/2021.
- 3.** The accusation is that the applicant who is the husband of the deceased poured petrol on the deceased and set her on fire causing serious injuries. She succumbed to the injuries. The date of the incident is 31/10/2021. The applicant and the deceased were married. The applicant

however had an extra marital relationship with someone else. This fact was not appreciated by the deceased. It further appears that the applicant married the lady with whom he was having an affair and was residing separately from the deceased. In the statement of the victim recorded on 31/10/2021 it is stated that on the date of the incident she had a quarrel with the applicant, the cause being the person with whom the applicant had married. In her statement recorded on 31/10/2021, it is stated that she herself poured the petrol on her body and set her on fire. It is then stated that it is the applicant who rushed her to the hospital. On the next date i.e. on 01/11/2021, one more statement of the victim came to be recorded. In that statement, the victim stated that her husband i.e. the applicant married someone else without her knowledge. In the statement dated 01/11/2021, the victim further stated that the applicant poured the Kerosene on her and set her on fire and when she started burning, the applicant covered her with blanket to douse the fire. Then there is a dying declaration recorded before the Magistrate wherein the victim stated that she had a quarrel with the the applicant.

When the gas was on, the applicant lit a piece of paper and threw it on her body as a result of which she suffered the burn injuries. She further stated that the person with whom the applicant had an affair is responsible for all this.

4. Learned APP opposed the application for bail.

5. The applicant was arrested on 01/11/2021 and is in custody for more than 2 years with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The trial is likely to take a long time to conclude. Further custody will only be by way of a pre-trial punishment. In the facts and circumstances of the case, the applicant can be enlarged on bail. The applicant will face the consequences post-trial if found guilty. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Anil Rambahaddur Chaurasiya in connection with C.R. No. 386 of 2021 registered with Kalwa police station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the investigating officer of Kalwa police station once in three months on first Monday of the concerned month between 11.00 a.m. and 1.00 p.m. commencing from December 2023.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

6. The application is disposed of.

(M. S. KARNIK, J.)