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

CRIMINAL BAIL APPLICATION NO. 1284 OF 2022

Rajesh Krushna Nimunkar

Age : 46 Years, Occu. : Business,

Indian Inhabitant, Resident at :

House No.606, At Post : Mandaki

Budruk Gahnkarwadi, Taluka : Chiplun,

District : Ratnagiri, State of Maharashtra

... Applicant

Versus

The State of Maharashtra

(Through Sawarde Police Station,

District : Ratnagiri in C.R.No.101/2020).

... Respondent

Ms.Mita Rudani a/w Mr.Sandeep Sheregar, Mr.Mangesh B. Dongare,
Mr.Abhishek Bhoir, Mr.Amod Panchal and Ms.Sneha Mhatre, Advocates for
the Applicant.

Mr.H.J.Dedhia – APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 2nd FEBRUARY, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.
2. Pending enquiry and trial, the Applicant-husband is praying for bail in an offence registered initially at Rabbale Police Station and then to Sawarde Police Station – Ratnagiri at C.R. No. 101 of 2020. It was registered on the complaint of one Vaishali Rajesh Nimunkar who is the wife of present Applicant. She succumbed to the injuries and expired on 12th December, 2020. Charge-sheet is filed for the offences punishable under Sections 302, 307, 498-A,, 323 304(B) read with 34 of the Indian Penal Code, 1860. Apart from the Applicant, in-laws are also the accused persons.
3. The incident took place on 9th December, 2020 at about 6.00 p.m. in the matrimonial house at Sawarde. There were matrimonial differences

and even, the husband has filed divorce petition. They married on 23rd May, 2019. Earlier to this marriage, both of them have also married. So, this is not their first marriage.

4. Out of anger, the first informant poured kerosene on her body and the present Applicant set her on fire by igniting match stick. The Applicant tried to extinguish that fire and he also received injuries. There is medical certificate to that effect issued by Walawalkar hospital. It is the Applicant only who got her admitted initially in Walawalkar hospital and then to Lifecare Hospital and then to National Burns Centre, Navi Mumbai. There, she succumbed to the injuries.

5. The bail is opposed for the reason that there are non cognizable complaints registered at Sawarde Police Station on 11th September, 2020 and on 6th December, 2020. Furthermore, there was a notice issued to the Applicant under Section 149 of the Code of Criminal Procedure, 1973 (2 of 1974) ["Cr.P.C."]. According to the learned APP, the dying declaration is genuine and if the deceased wants to implicate the Applicant falsely, even she could have said that it is not she but the Applicant who poured kerosene on herself.

6. My attention is invited to the extract of general diary entry by Sawarde Police Station on Page No.219. The police have gone to Walawalkar Hospital Dervan for recording the statement of the Applicant. He has not given complete statement.

7. After going through the papers, it may be true that there are differences amongst the spouses and it is also true that the incident took place within a short span after the marriage on 23rd May, 2019. There are no allegations of dowry. But from record, one can very well say that the Applicant has also received the injuries and even he was hospitalized. Even he was an instrumental in admitting the deceased to all the hospitals.

8. I am inclined to grant bail only for this reason. That is to say, receiving injuries by himself and admission of the deceased made by him only. So far as the stand taken that she received injuries due to the fall of lamp cannot be accepted at this stage.

9. Hence, subject to the conditions, he can be admitted to bail. Hence, following order :-

ORDER

- (i) Application is allowed.
- (ii) Applicant Rajesh Krushna Nimunkar be released on bail in connection with C.R. No. 101 of 2020 registered with Sawarde Police Station – Ratnagiri on furnishing personal bond and surety bond of Rs.25,000/-.
- (iii) Applicant to give attendance to Sawarde Police Station on every Monday from 10.00 to 12.00 noon for six months.
- (iv) Applicant not to threaten the Prosecution witnesses or to allure them in any manner.
- (v) In case of breach of any of the conditions, the bail of the Applicant is liable to be cancelled after hearing.
- (vi) In case of breach of any condition, the bail is liable to be cancelled after notice.

10. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

11. Application is disposed of in the aforesaid terms.

12. All the parties to act on an authenticated copy of this order.

(S. M. MODAK, J.)