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

**BAIL APPLICATION NO.3659/2022**

RAJU @ SHIVSHANKAR SINGH KOL ..APPLICANT

VS.

THE STATE OF MAHARASHTRA & ANR. ..RESPONDENTS

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Adv. Abhinandan Waghmare a/w. Adv. Anjaykumar Kori i/b.  
Adv. Vijay Harpude for the applicant.  
Mr. S. H. Yadav, APP for State.

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**CORAM : M. S. KARNIK, J.**

**DATE : MARCH 1, 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 First Information Report (FIR) No.I-285/2015 registered with the Bhivandi Police Station, under Sections 302, 307, 323, 324, 326 of the Indian Penal Code, 1860 (hereafter "the IPC", for short).

**3.** It is alleged that the applicant was residing with the deceased. They were not married. The daughter of the deceased, aged 6 years, was staying with them. The date of the incident is October 6, 2015. It is alleged that the

applicant poured kerosene on the person of the deceased and set her on fire. The dying declaration was recorded on October 7, 2015. The dying declaration records that the applicant ate chicken which she had made for her daughter over which they had an argument. She further states that as she was unable to conceive for the second time. For the past three days the applicant was quarreling with her. The deceased stated that she was driven out of the house when the applicant poured kerosene on her and set her on fire.

**4.** The statement of the child witness, who is an eye witness is recorded on November 3, 2015. She states that the applicant and the deceased started quarreling over a bed-sheet, after which the applicant poured kerosene over her mother and set her on fire. Thereafter, the applicant ran away.

**5.** *Prima facie*, this difference in version of the deceased and the child witness will not make a material difference as the accusation that the applicant poured kerosene over the deceased and set her on fire is maintained by both. One of the witnesses has stated that when she entered the house, the applicant was seen covering the deceased who was then

alive with a blanket. Thereafter, he ran away.

**6.** The applicant was arrested on October 7, 2015. The applicant is in custody for almost 7 years and 4 months. The charge has been framed. Learned APP submits that the witness summons are being issued. There about 32 witnesses to be examined by the prosecution. The trial will take a long time to conclude.

**7.** Considering the long incarceration of the applicant and as the trial is likely to take a long time to conclude, the applicant can be enlarged on bail. There are no criminal antecedents reported against the applicant. The investigation is complete. The charge-sheet has been filed.

**8.** I am informed that the child witness is residing at Bhivandi along with the parents of the deceased. It is necessary to secure the attendance of the applicant for trial as he is reported to be from Uttar Pradesh and at the same time, ensure that the child's safety, I, therefore, propose to impose some stringent conditions. Hence the following order.

**ORDER**

(a) The application is allowed.

(b) The applicant in connection with FIR No.I-285/2015 registered with the Bhivandi Police Station, shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.

(c) The applicant shall report to the Investigating Officer of the concerned police station once in a month on every first Monday of the month, between 11.00 a.m. and 1.00 p.m.

(d) 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.

(e) 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.

(f) The applicant shall not leave the area of Thane District without leave of the trial Court.

(g) The applicant shall not enter the jurisdiction of the Bhivandi Police Station except for the purpose of reporting the investigating officer.

**9.** The application is disposed of.

**(M. S. KARNIK, J.)**