

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 303 OF 2023

Saraswati Dharmaji Bambole __ Vs. __ State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M.A.Vishwarupe, Advocate h/f Mr. R.R.Vyas, Advocate for applicant.
Mr. N.R.Patil, APP for respondent/State

CORAM : AVINASH G. GHAROTE, J.
DATE : 30/06/2023

1] Heard Mr. Vishwarupe, learned counsel for the applicant and Mr.Patil, learned APP for non-applicant/State.

2] The applicant is accused of the offence under Sections 302, 498-A r/w 34 of the IPC, on the ground that after her second marriage with one Mukesh Dharmaji Bambole, there was ill-treatment to the deceased, on account of which on 25.9.2021 when the deceased was in her matrimonial house, she poured kerosene upon her as a result of which she got burnt. The FIR has been lodged on 26.9.2021, on which date the applicant has been arrested. The victim has passed away on 15.10.2021, the charge-sheet has been filed on 22.12.2021. The earlier application for bail being Criminal

Application (BA) No. 421/2022 was dismissed as withdrawn on 4.5.2022 (pg. 208).

3] This is a fresh bail application on the ground that the forensic report has been received and indicates a position in favour of the applicant.

4] A copy of the forensic report has been tendered across the bar by the learned APP, which indicates that Exhs. 4, 5, 6, & 7 do not indicate residue of petroleum hydrocarbon/kerosene. Exhs. 6 & 7 relate to the present applicant, which would indicate a position favoring the applicant. In that light of the matter, considering the statement of Om Kalidas Chudhari (pg.147) which indicates a plea by the present applicant to reach the victim/deceased to the Hospital and the statement of Gouri Gopal Thakre (pg. 142) which indicates that the applicant was attempting to douse the fire, a case for grant of bail is made out. Hence the following order.

5] The application is allowed. The applicant be released on bail in Crime No.785/2021 registered with the Police Station Gadchiroli under Sections 302, 498-A r/w 34 of IPC, on her furnishing

a PR bond in the sum of Rs. 50,000/- with two solvent surety in the like amount. The applicant shall not tamper with the prosecution witnesses or in any way try to influence them in any manner whatsoever. The applicant shall attend each and every date before the learned Sessions Court and shall ensure that the trial is not protracted on her count.

6] Criminal Application disposed of in above terms. No costs.

JUDGE

Rvjalit