



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.518 OF 2024

Shridhar Anna Pawar,
age 27 yrs, Occ. Labour,
R/o Mangrul (BK) Camp,
Tq.Manwat, Dist. Parbhani,

Versus

The State of Maharashtra.

...
Mr. S.S. Rathi, advocate for the applicant.
Mr. A.V. Lavte, APP for Respondent State.

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CORAM : S. G. CHAPALGAONKAR, J.

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Date : 6th August, 2024.

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PER COURT :-

1. The applicant seeks regular bail in connection with Crime No.64 of 2023 dated 26.02.2023 registered with Manwat police station, District Parbhani for the offences punishable under sections 302, 307, 498-A, 504, 34 of the Indian Penal Code.

2. Investigation was set in motion on the basis of the information given by Gangubai Limbaji Pawar. In nutshell, it is alleged that on 24.2.2023, informant received telephonic message that her daughter-Aarti has been ablazed by her in-laws by putting diesel on her person and setting her on fire with intention to kill her. Consequently, offence under section

aaa/-

498-A, 307, 504, 34 of the Indian Penal Code was registered. However, Aarti succumbed to the injuries while under medical supervision. Thereafter, offence under section 302 of the IPC came to be added. Applicant i.e. husband of the deceased Aarti has been arrested on 26.2.2023. Since then, he is behind bar. After due investigation, charge-sheet is filed against in all five accused persons including the applicant. All other accused persons are already enlarged on bail.

3. Mr. Rathi, learned advocate appearing for the applicant submits that there is no dispute that deceased Aarti had suffered burn injuries. Consequently, she died due to septic shock. He invites attention of this Court to the contents of the FIR, wherein informant/mother of the deceased reported that the deceased was not in a position to talk. He submits that case of the prosecution is based on improvised version under section 164 of the Criminal Procedure Code, by which allegation is made that applicant was author of the injuries suffered by deceased. He would invite attention of this Court to the panchnama regarding recovery of clothes to contend that there were no residues of diesel or fuel. By inviting attention of this Court to 161 statement of Ramcharan Kale i.e. neighbour of the applicant, he submits that deceased Aarti was unconscious since the incident. Therefore, he urges that there is no evidence to claim that applicant is author of the injuries suffered by the deceased.

4. Per contra, learned A.P.P. invites attention of this Court to 164 statement of Mamatabai Balu Kale and Balasaheb Kisan Kale, who states that deceased informed them that applicant poured kerosene on her person and other in-laws had raised assault on her. Learned APP would also invite attention of this Court to medical certificate of the applicant showing burn injuries on left hand of the applicant and urge that presence of the applicant at the time of incident alongwith the deceased is very much discernible. The incident took place in closed doors. Hence, prima faice there is sufficient material to bring complicity of the applicant in commission of offence.

5. Having considered the submissions advanced, apparently, applicant has been arrested on 26.2.2023 and he is behind the bar for almost one and half year. The trial is at the nascent stage and it may take its own time. So far as complicity of the applicant in commission of offence is concerned, prosecution case is based on circumstantial evidence. The statement of witnesses recorded under section 161 of Criminal Procedure Code including statement in FIR made by the informant-mother of the deceased demonstrate that deceased became unconscious immediately after the incident and she was never in a position to make any statement. However, 164 statement appears to be improvised version wherein Laxman Kale and Mamta Balu Kale attempts to state that when they visited Aarti in the hospital, she informed them that applicant had poured Diesel on her person. However, statement of Gangubai Pawar i.e. mother of the Aarti

recorded under section 164 of the Cr.P.C. states that Aarti was not in a position to talk while she was under treatment at Civil Hospital. On prima facie evolution of material on record, it is difficult to hold that the deceased was in the position to record any statement. So far as medical certificate showing injuries on the person of applicant is concerned, it only suggests that applicant was in the company of the deceased when she suffered burn injuries. However, there is no clinching material on record to support the prosecution version that the injuries were homicidal or applicant is author of such injuries. It is true that there are allegations regarding ill-treatment at the hands of the in-laws. However, it would be a matter of trial. The applicant is behind bar for more than one and half year. Evidence on record is shaky. Other accused persons are released on bail after appreciating the aforesaid circumstances. There are no criminal antecedents to discredit the applicant. His presence can be secured by putting necessary conditions. Hence, case is made out for grant of bail. Therefore, following order is passed.

O R D E R

- i. Bail Application is hereby allowed.
- ii. The applicant Shridhar Anna Pawar be released on bail in connection with Crime No.64 of 2023 dated 26.02.2023 registered with Manwat police station, Manwat, District Parbhani for the offences punishable under sections 302, 307, 498-A, 504, 34 of the Indian Penal Code on his furnishing P.B.

& S.B. of Rs.50,000/- (Rs.Fifty Thousand), on the following conditions :-

- a] The applicant shall not tamper the prosecution evidence in any manner.
 - b] The applicant shall attend each and every date of the trial and cooperate for early disposal.
- iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR)
JUDGE.

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