



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1272 OF 2024

KALPANA SOMNATH KOKATE
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. V. R. Dhorde holding for
Mr. S. P. Nimbalkar

APP for Respondents : Mr. S. B. Pulkundwar

...

CORAM : S. G. MEHARE, J.

DATE : 06-08-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. The applicant seeks bail in C.R.No.0107 of 2024 registered with Shivoor Police Station, District Aurangabad for the offences punishable under Section 304 of the Indian Penal Code.

3. The applicant is the sister-in-law of the deceased who gave statements against her that she and the applicant had a quarrel over the water in the evening of Holi. It has been alleged against the applicant that she entered the home of the deceased and pour the petrol on her person. The lamp caught the petrol and she along with her two daughters were burnt. Her husband also gave a statement as to cause of death that when the incident happened, he was out of the house. After looking the fire flames, he went inside the house and saw his wife was burning. He categorically

stated that due to electric spark, fire took place with petrol can which was kept in the house. There are two contradictory statements as to the cause of the incident and the death. The applicant and the deceased were residing in one premises by partition wall. Though the statement of her husband was recorded first in time, the police did not register a crime. The crime has been registered on the statement of the deceased. Since there are two contradictory statements, it is a matter of evidence which one is correct. At this juncture, the applicant would get benefit. Nothing is recovered from her. The Court is aware of the unfortunate incident in which the entire family lost their lives. However, the Court must respect the law. In view of the above, the applicant deserve bail. Hence, the order :-

ORDER

- i) The bail application is allowed.
- ii) Applicant - Kalpana Somnath Kokate be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,
 - (a) She should not tamper with the prosecution witnesses.
 - (b) She should attend the trial on each and every effective date.

**(S. G. MEHARE)
JUDGE**