



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

969 ANTICIPATORY BAIL APPLICATION NO. 1735 OF 2024

Datta Arjun Tumram

....Applicant

VERSUS

The State of Maharashtra

.....Respondent

.....

Mr. S. S. Deshpande, Senior Counsel instructed by Mr. Shreyas Deshpande and Ms. S. S. Muley, Advocates for Applicant.
Mrs. A. S. Mantri, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 21st NOVEMBER, 2024.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 263/2024, registered with Kinwat Police Station, Dist. Nanded, for the offences punishable under Sections 108, 115(2), 3(5) of Bharatiya Nyaya Sanhita, 2023.

2. First informant is the brother of deceased Yogita. Deceased Yogita married with the applicant in the year 2003. Out of the said wedlock, the couple has two children aged about 19 and 16 years. On 09.08.2024, an incident occurred in which Yogita set herself ablaze. It is the contention of the informant that when he visited the hospital, by gesture, deceased told him that owing to the

harassment caused by the applicant and his nephew, she has set herself on fire. On 23.08.2024, she died. Hence, report came to be filed.

3. Learned Senior Counsel for the applicant submits that the marriage between the couple dates back to the year 2003 and two children begotten from the said marriage. It is his contention that both children aged about 19 and 16 years respectively have not made any statement against the present applicant. He drew attention of the Court to the injury certificate indicating that the applicant while trying to extinguish the fire, sustained burn injuries to himself. This, according to him, shows that the applicant never had intention that his wife i.e. deceased should commit suicide.

4. Learned APP opposed the application by contending that the offence is serious in nature and that the neighbourers are scared of making statement against the present applicant. With regard to the statement of children it is her contention that children are not eye witness to the incident and as such their statement cannot be considered in favour of the applicant.

5. The marriage between the applicant and deceased is of the year 2003. The incident has occurred on 09.08.2024 in which the deceased had set herself ablaze. She was hospitalised till her death i.e. upto 23.08.2024. During this period, no statement of deceased is recorded in order to show his involvement of the present applicant in this crime. In any case, the applicant has specifically come out with a case supported by documentary evidence on record to indicate that he tried to extinguish the flame. If there is no investigation by the investigating agency in this regard and if the applicant has sustained burn injuries while extinguishing fire caught by his wife, atleast prima facie it cannot be said that he had intention that his wife to commit suicide. Applicant is a Government servant with no criminal history. He is not likely to abscond. Appropriate direction to attend police station will be sufficient for effect investigation.

6. In view of above discussion, application is allowed in terms of the interim order. Applicant is hereby directed to attend the concerned Police Station as and when called.

(R. M. JOSHI)
Judge