

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

BAIL APPLICATION NO. 1862 OF 2024

Dipak Laxman Jungle

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Vaibhav R. Gaikwad, Advocate, for the Applicant.
Mr. S. M. Mangaonkar, APP, for the Respondent State.

**CORAM: MADHAV J. JAMDAR, J.
DATE: 06.05.2024**

P. C.

1. Heard Mr. Gaikwad, learned Counsel for the Applicant and Mr. Mangaonkar, learned APP for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C. R. No.	65 of 2020
2.	Date of registration of F.I.R.	28.10.2020
3.	Name of Police Station	Vijaydurg, District - Sindhudurg
4.	Sections invoked	302, 307, 498A, 504 & 506 of the I.P.C., 1860 ("IPC").
5.	Date of incident	26.10.2020
6.	Date of arrest	29.10.2020
7.	Date of filing of Charge-sheet	21.01.2021

3. The deceased is the wife of the present Applicant. They got married on 06.06.2010. As per the prosecution case, the Applicant used to harass and ill-treat her on a very small issues. Therefore, she

had lodged a complaint with the 'Adhyaksha, Mahila Atyachar Takrar Nivaran Kaksha' and the police officials had told the Applicant to behave properly with the deceased. At the time of the incident i.e. on 26.10.2020, the Applicant had demanded money from the deceased for purchasing liquor and as the deceased refused to give the money to the Applicant, the Applicant poured kerosene on her and tried to set her ablaze. In the incident in question, the deceased succumbed to the injuries.

4. It is the contention of Mr. Gaikwad, learned Counsel for the Applicant that the incident in question has taken place on 26.10.2020. The deceased died on 28.11.2020. Initially, the F.I.R. was lodged on 28.10.2020 and thereafter Section 302 of the IPC was added. The Charge-sheet was filed on 21.01.2021. Mr. Gaikwad, learned Counsel for the Applicant submitted that except framing of charge, there is no further progress in the trial. He therefore prayed that the Applicant be released on bail.

5. On the other hand, Mr. Mangaonkar, learned APP vehemently opposed the Bail Application. He pointed out the statement of the deceased Deepali Deepak Jungle (Page No. 26-A) recorded when the deceased was in the hospital. He also pointed out the statements of eye witnesses namely Milind Gangaram Ghadi (Page No. 41) and Guruprasad Prakash Ghadi (Page No. 42). He submitted that the deceased was subjected to cruelty and harassment. Therefore, the Bail Application be rejected.

6. A perusal of the record shows that the Applicant was apprehended on 29.10.2020. The Applicant is incarcerated since more than three years and six months. Till date, there is no progress in the trial except framing of charge.
7. *Prima facie*, the incident in question has taken place on the spur of the moment. As the deceased had refused to give money to the Applicant for purchasing liquor, the Applicant had poured kerosene on her and had set her ablaze.
8. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.
9. The Applicant does not have any criminal antecedents.
10. The Applicant does not appear to be at risk of flight.
11. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
12. In view thereof, the following order:

ORDER

- (a) The Applicant - Dipak Laxman Jungle be released on bail in connection with C. R. No.65 of 2020 registered with the Vijaydurg Police Station, District - Sindhudurg on his furnishing P. R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.
- (b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated,

in case of any change thereto.

(c) The Applicant shall report to the Vijaydurg Police Station, District – Sindhudurg every week on Sunday between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

(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 such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

13. The Bail Application is disposed of accordingly.

14. It is clarified that the Trial Court shall decide the case on its merits, uninfluenced by the *prima facie* observations made in this order.

[MADHAV J. JAMDAR, J.]