

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2024 OF 2024**

Santosh Bhiwaji Chopade	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Satyavrat Joshi a/w. Mr. Ashish R. Kachole for applicant.

Mr. Prasanna P. Malshe, APP for respondent-State.

Mr. Vijay B. Maskar, PSI, Baramati City Police Station, District Pune.

**CORAM : MANISH PITALE, J.
DATE : 06th AUGUST, 2024**

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. In this application, the applicant is seeking protection as he apprehends arrest in connection with FIR No.0134 of 2023 dated 14.12.2023 registered at Supa Police Station, District Pune Rural for offences under Sections 307, 452 and 504 read with Section 34 of the Indian Penal Code, 1860 (IPC). Subsequently, since the first informant expired, offence under Section 302 of the IPC, as also offences under the provisions of the Maharashtra Money Lending (Regulation) Act, 2014, were added.

3. The statement of the first informant, which led to registration of FIR, indicates the role of all the accused persons in the incident in question. It is alleged that the applicant alongwith the other accused persons, reached the

house of the informant for recovery of ₹ 35 lakhs. It is stated that an amount of ₹ 30 lakhs was taken as loan by the informant from the applicant and it is in the backdrop of the aforesaid loan that the accused persons had reached the house of the informant. It is alleged that the accused persons poured petrol on the body of the informant. One of them lit the gas stove and the informant was pushed onto the gas stove, which led to his body catching fire.

4. The informant eventually expired due to the burn injuries. The statement recorded in the hospital on the date of incident, was in the nature of dying declaration, for the reason that the doctor specifically endorsed that the informant was in conscious and oriented condition while giving the statement. The aforesaid statement led to registration of FIR. Subsequently, the informant expired.

5. The learned counsel for the applicant submitted that there are major contradictions that have come to light during the course of investigation. It is submitted that the aforesaid contradictions indicate that instead of the present case being a case of homicide, it could be said to be a case of suicide. It is submitted that there was a financial transaction between the parties and if the statement of the wife of the informant, who was an eye-witness, recorded under Section 164 of the Criminal Procedure Code, 1973 (Cr.PC.) is to be taken into consideration, the description of the incident indicates that it was the informant himself, who committed suicide by causing burn injuries to himself. Reference was also made to the fact that the wife of the informant suffered certain burn injuries and therefore, this Court may consider allowing the present application as the applicant undertakes to co-operate with the investigation.

6. On the other hand, the learned APP has invited attention of this Court to the dying declaration of informant as also the statement of wife of informant recorded during the course of investigation. It is submitted that the aforesaid statements are consistent with the allegations made against the accused persons, including the applicant. The active role of applicant is evident and in such circumstances, no indulgence may be shown to the applicant.

7. This Court has perused the material on record. The statement of first informant recorded in hospital in the form of dying declaration, describes in graphic details as to the manner in which the accused persons surrounded him in his own house and acted aggressively against him on the ground that they were entitled to recover ₹ 35 lakhs. The narration describes as to the manner in which petrol in the kitchen of the house, which the victim had brought for using in his motorcycle, was poured on his body and subsequently, gas stove was lit and he was thrown onto the gas stove. The incident is violent in nature and the active role of applicant is evident from aforesaid statement. The endorsement given by doctor at the bottom of the statement specifically states that informant was in stable and oriented condition when the aforesaid statement was given.

8. On the date of registration of FIR i.e. on 14.12.2023, the wife of informant, who was an eye-witness, also gave her statement which is consistent with the dying declaration of informant, leading to registration of FIR. Documents on record show that eventually, the informant died of the burn injuries. In the statement of the informant, reference was also made as to the manner in which the applicant allegedly abducted the father of informant on the ground that specific amount was to be repaid to him. The

statement indicates that the father of informant was kept hostage by the applicant and released thereafter.

9. In this backdrop, the emphasis placed on the statement of wife of informant recorded under Section 164 of Cr.PC., cannot come to the aid of the applicant while pressing the present application for anticipatory bail. The said statement was recorded much later on 11.03.2024 i.e. about 3 months after the incident. Even in the said statement, the wife of informant has specifically stated about presence of applicant in the house on date and time of the incident.

10. Considering the aforesaid material, this Court is of the opinion that no case is made out for anticipatory bail.

11. The application is dismissed.

(MANISH PITALE, J)