



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

BAIL APPLICATION NO.2221 OF 2024

Sakharam Laxman Salve
Age: 47 years, Occu.: Driver,
R/o. Aarvi, Tq. Shirur,
District Beed.

... Applicant

Versus

1. The State of Maharashtra
Through Officer In charge,
Police Station Shirur,
District Beed.

2. The superintendent of Police,
Beed, Dist. Beed

... Respondents

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Ms. Ashwini A. Lomte, Advocate for Applicant
Ms. Vaishali S. Choudhari, APP for Respondents No.1 and 2 – State

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 24 JANUARY 2025

PRONOUNCED ON : 28 JANUARY 2025

ORDER :

1. Applicant seeks his enlargement on regular bail on account of his arrest in Crime No.0133 of 2017, registered at Shirur Police Station, District Beed for offences punishable under Sections 498-A, 306 and 323 of the Indian Penal Code (IPC).

2. Learned counsel for the applicant submitted that the present applicant is the husband of the deceased Meenabai. They were married 17 years ago and have two daughters and one son. That, deceased died

due to 98% burns. That, subsequently, crime is registered on the basis of dying declaration. That, there was an allegation of mental harassment on ground of suspecting fidelity. Learned counsel pointed out that, in her dying declaration, deceased stated that in a fit of rage, she poured kerosene on herself and set herself on fire because her husband had come home drunk and abused her. That, she has alleged abuse and beating, but applicant never intended that wife should commit suicide. Learned counsel pointed out that after registration of crime, the present applicant preferred anticipatory bail application no. 479 of 2017. That, the same was also allowed by this Court. That, after completion of the investigation, charge-sheet came to be filed. That, subsequently, summons were issued by learned Judicial Magistrate, First Class, Shirur, but the same were not served as the applicant, a truck driver, was not available at the time of service, and therefore, non bailable warrant was issued. Hence, applicant came to be arrested on 20.08.2024. Learned counsel pointed out that the deceased was taken to the hospital by an independent person, and he reported at the hospital that, it was a case of immolation. That, applicant is not responsible in any manner. Learned counsel submits that there was no abetment. That, even allegations of cruelty are baseless. That, applicant is behind bars since 20.08.2024, and as charge-sheet is already filed, she seeks prayers for grant of regular bail.

3. Learned APP opposed the application on the ground that there was continuous physical and mental harassment. That, getting fed up of the same, deceased immolated herself. Learned APP pointed out that in spite of 17 years of marriage, there was suspicion of character. That, crime being registered in the year 2017, applicant was absconding. Therefore, on count of serious allegations for commission of grave offence, he opposes the bail application.

4. Heard both sides. Perused the papers. The report resulting in the crime appears to be at the instance of deceased's father, Prabhakar. He reported that the deceased's marriage with the applicant took place 17 years ago. After the marriage, applicant has maintained her properly about seven years. However, subsequently, husband took up the consumption of liquor, did no work and rather demanded money for consumption of liquor and even put up demand for money to purchase the Jeep. On such counts, husband used to beat her. It is alleged that, whenever deceased daughter came to his house, she reported about the ill-treatment given by the applicant. He also reported that, last month when deceased daughter met him at Vrangalwadi in religious programme, she expressed that she has no desire to live with applicant because of the harassment, and on 23.04.2017, his son Sharad informed that Meenabai received burns. In the Hospital, she told that at 06:00

p.m. husband came home drunk and abused her for no reason and when she asked him not to abuse, he beat her, and as it had become intolerable, she was poured kerosene on her person and set herself on fire. On above report, crime seems to have been registered.

6. Paper shows that even in dying declaration deceased reported that, on 26.04.2017, husband came home drunken and abused her for no reasons, and when she countered question him, he hit her on the head, and therefore, in the rage of anger, she poured kerosene on her person and immolated herself. On above dying declaration, crime seems to have been registered. Now, the applicant is said to be behind bars since August 2024. Learned APP opposed the bail on the ground that applicant was absconding. In answer to such submission, learned counsel for the applicant pointed out that applicant is a driver and that he was out of the house, as he was enlarged on anticipatory bail. Details of the same are also reflected in the applicant. Now, the investigation is over. Taking into consideration the contents of the FIR, and more particularly, the dying declaration of deceased, wherein she stated that she immolated herself in the rage of anger, and no further plausible reason has been put forth for further detention, and also taking the accusations in the consideration, relief as prayed deserves to be granted. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Sakharam Laxman Salve be released on bail in connection with Crime No.0133 of 2017, registered at Shirur Police Station, District Beed, on executing Personal Bond of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane