



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2392 OF 2024

. Maruti Mohan Sanap
Age: 34 years, Occu.: Agri.,
R/o. Mahalaxmi Hivare,
Tq.Newasa, Dist.Ahmednagar.Applicant

Versus

. The State of Maharashtra
Through Police Inspector,
Sonai Police Station,
Tq.Newasa, Dist.Ahmednagar.Respondent

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WITH

CRIMINAL APPLICATION NO. 200 OF 2025
IN BA/2392/2024

. Sunita W/o Ganesh Avhad
Age: 31 years, Occu.: Household,
R/o. Mahalaxmi Hivare, Tal.Newasa,
Dist.Ahmednagar.Applicant
(Wife of Org. Complainant)

Versus

1. The State of Maharashtra
Through Police Inspector,
Sonai Police Station, Tal.Newasa,
Dist.Ahmednagar.
2. Maruti Mohan Sanap
Age: 45 years, Occu.: Agril.,
R/o. Mahalaxmi Hivre, Tal.Newasa,
Dist.Ahmednagar.Respondents

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Advocate for Applicant - Accused : Mr. Vasant Digambarrao Salunke
APP for Respondent – State : Mr.S.S.Dande
Advocate for assist to PP : Mr.Rajendra S.Sadaphule
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CORAM : ABHAY S. WAGHWASE, J.

DATE : 21 FEBRUARY, 2025

ORDER :

1. Applicant seeks enlargement on bail in crime no.0295 of 2024 registered at Sonai Police Station, Dist.Ahmednagar for offence under Sections 109, 103(1), 115(2), 238, 352, 3(5), of the Bharatiya Nyaya Sanhita.
2. Criminal Application No.200 of 2025 is filed seeking permission to assist the Public Prosecutor. For the reasons mentioned in the application, application is allowed.
3. Pointing to the date of FIR as 10-07-2024, learned counsel for the applicant submitted that alleged occurrence is of 08-07-2024 and applicant is arrested on 30-09-2024 i.e. after almost inordinate delay of two and half months. He further submitted that there was no intention or motive. That, incident had allegedly erupted all of a sudden. That, there was accidental fall of petrol on the person of deceased and later on it is alleged that applicant threw ignited match stick causing burns. That, applicant is behind bars since more than

four months. That, nothing is shown to be recovered or discovered at the instance of the applicant. That, there was minor quarrel on account of land. He pointed out that chargesheet is filed on 30-11-2024 itself and there are no immediate prospects of matter going for trial.

4. Learned APP opposed application on the ground that there is eye witness account. That, specific role of applicant has come on record. That, there is dying declaration. That, there is also statement of daughter of deceased namely Vaibhavi both under Section 180 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) and 183 of the BNSS. That, deceased died due to 80% burns. Therefore, learned APP opposed grant of bail.

Learned counsel assisting APP opposed the application and pointed out that serious crime is committed. That, applicant was absconding and therefore, there is delayed arrest. He further pointed out that matter is posted for framing charge on 04-03-2025.

Matter was kept back for ascertaining date of charge and learned counsel for the applicant has placed on record Case Details, which show that matter is kept for filing of Surety on 04-03-2025 and not for framing charge.

5. However, on visiting statement of deceased, it is clear that on 08-07-2024 at around 12:30 p.m. when he was extracting petrol from his own motorcycle, at that time, present applicant and one Shahadeo both allegedly came there and in the backdrop of some quarrel, which had taken place eight days back, initially abused and gave kick and fist blows to the deceased. Deceased gave statement that at that time, the extract of petrol in a plastic bottle, which was in his hand was fell on himself and thereafter, present applicant allegedly lighted a match-stick and ignited deceased Ganesh. In statement, he further stated that when he raised shouts, Bhausahab Kashinath Avhad and Deepak Bhausahab Sanap came and doused the fire. Thereafter, his mother Ashabai and wife Sunita also came there and he was taken to hospital.

On visiting statement of Bhausahab Kashinath Avhad, he merely seems to have given information that at around 12:30 p.m. on 08-07-2024, when he was near house of cousin Arjun Avhad, he had seen one person in burning condition and therefore, he and others went and doused the fire and Ganesh was taken to hospital. He claims that he learnt that Ganesh given statement to Police about he being set to fire by Maroti.

6. Learned APP has taken this Court through the statement of deceased himself recorded under Section 183 of the BNSS in which he has stated that subsequently his mother Ashabai came. Ashabai's statement is recorded by Police on 24-07-2024 i.e. almost after 2-3 weeks.

Even statement of daughter of deceased namely Vaibhavi is recorded under Section 183 of the BNSS. but it is in August, 2024. However, as pointed out deceased has not named his daughter to be there.

Therefore, though learned APP pointed out to the statements of above persons, their statements are not recorded promptly. As submitted petrol allegedly accidentally fell on the person of deceased and thereafter, there are allegation of throwing ignited match stick. Now, investigation is over and there is no dispute that chargesheet is also filed. Therefore, taking above nature of accusations into consideration, when there are no immediate prospects of matter going for trial, relief as prayed deserves to be granted by imposing stringent conditions. Hence, the following order :

ORDER

- (i) Application is allowed.

(ii) Applicant Maruti Mohan Sanap be released on bail in connection with Crime no.0295 of 2024 registered with Sonai Police Station, Dist.Ahmednagar on executing Personal Bond of Rs.15,000/- with one surety in the like amount.

(iii) Applicant shall not tamper prosecution evidence.

(iv) Applicant shall not enter into the vicinity of Mahalaxmi Hivare, Tq.Newasa, Dist.Ahmednagar, till conclusion of trial.

(v) Criminal Application No.200 of 2025 is disposed of.

(ABHAY S. WAGHWASE)
JUDGE