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

BAIL APPLICATION NO. 891 OF 2025

Ajay Rajiv Parmar	... Applicant
V/s.	
State of Maharashtra	... Respondent

Mr. D. S. Manerkar a/w. Mr. Rohit A. Yadav for applicant.

Mr. Sagar R. Agarkar, APP for respondent-State.

Mr. Jagdish More, PSI, Andheri Police Station, Mumbai.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 11, 2025

P.C.:

1. This is an application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking his release on regular bail. The application relates to Crime Register No. 550 of 2023, registered with Andheri Police Station, Mumbai. The applicant is facing prosecution for offences punishable under Sections 307 (attempt to murder), 498-A (cruelty to wife by husband or his relatives), and 506 (criminal intimidation) of the Indian Penal Code, 1860.

2. The prosecution case, in brief, is as follows: On 07.11.2023, the Investigating Officer, Mrs. Poonam Mirgane, was on duty at Andheri Police Station. On that day, she received two Emergency Police Reports (EPR) bearing Nos. 3284/2023 and 3285/2023

from Cooper Hospital, both in connection with the same incident. One report was in the name of Mrs. Guddi Ajay Parmar (informant), and the other in the name of Mr. Ajay Rajiv Parmar (accused). Both sustained burn injuries in the said incident which had occurred within the jurisdiction of Andheri Police Station.

3. The Investigating Officer proceeded to record the statement of Mrs. Guddi Ajay Parmar. She stated that on 07.11.2023, at around 8:00 p.m., her children had gone out to play, and her husband came home for dinner. She purchased kerosene, filled the stove, and attempted to light it. Suddenly, fire erupted from the stove and her clothes caught fire. She started screaming for help. Hearing her cries, her husband, who was using his mobile phone, rushed towards her and tried to put out the fire to save her. While doing so, both his hands also suffered burn injuries. On her request for water, the husband poured water over her and immediately took her to Cooper Hospital for treatment. In that very statement, the victim clearly admitted that the burns were caused due to an accident while filling the fuel in the stove and that she had no complaint against anyone. The statement of the applicant, who was also undergoing treatment for burn injuries, was also recorded at the hospital.

4. The learned counsel for the applicant drew the Court's attention to this initial statement of the victim recorded on 07.11.2023, wherein she clearly stated that her injuries were accidental in nature and occurred while lighting the stove. It is pointed out that in her supplementary statement, recorded three days later on 10.11.2023, she changed her version and alleged

that it was the applicant who had set her on fire. According to the learned counsel, this amounts to an improvement in her earlier version without any explanation for the change. He submits that apart from this subsequent statement, there is no other material on record to indicate any quarrel or dispute between the applicant and the victim prior to the incident. Considering that the applicant has already been in custody for more than one and a half years, it is urged that he be released on bail.

5. On the other hand, the learned Additional Public Prosecutor (APP) opposed the application. He submits that the victim's statements, both the first one recorded on 07.11.2023 and the supplementary statement dated 10.11.2023, read together, show her consistent stand that the applicant was responsible for igniting the fire. He argues that the allegations are of a grave nature, involving an attempt to murder and cruelty within the matrimonial home, and therefore, the applicant does not deserve the discretionary relief of bail at this stage.

6. I have considered the rival submissions and perused the material on record. It is not in dispute that the first statement of the victim, recorded immediately after the incident on 07.11.2023, clearly mentions that the burns were caused due to an accidental fire while lighting the stove. In this statement, she categorically stated that she had no grievance against anyone. It is only in her supplementary statement recorded on 10.11.2023, after a gap of three days, that she changed her version and alleged that the applicant had set her on fire. The change in version, without any clear explanation for the delay or for the contradiction with her

earlier statement, casts a doubt on the prosecution's case at this stage.

7. It is also a matter of record that in the same incident, the applicant himself suffered burn injuries on both hands while attempting to extinguish the fire. There is no material placed before this Court to show that there was any quarrel, harassment, or motive immediately prior to the incident. The applicant has been in custody for more than one and a half years, and the trial is not likely to conclude in the immediate future. In such circumstances, continued detention would not serve any useful purpose. The apprehension of the prosecution that the applicant may tamper with evidence or influence witnesses can be taken care of by imposing strict conditions.

8. Having regard to the totality of the facts, the nature of the evidence presently available, the period of incarceration undergone by the applicant, and without expressing any opinion on the merits of the case, I am of the view that the applicant has made out a case for grant of bail.

9. Hence, the following order is passed:

10. The applicant Ajay Rajiv Parmar is directed to be released on regular bail in connection with Crime Register No.550 of 2023, upon furnishing a personal bond of ₹ 25,000/- (Rupees Twenty-five Thousand only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

- a) The applicant shall report to Andheri Police Station once a month between 10.00 a.m. to 12.00 noon, until further orders.
- b) The applicant shall not tamper with the evidence or attempt to influence any witness. He shall not contact the victim or her family members.
- c) The applicant shall not enter the limits of Andheri Police Station during the pendency of the trial, except for the purpose of attending the police station.
- d) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
- e) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
- f) The applicant shall not indulge in any criminal activity during the pendency of the trial.
- g) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.

11. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)