

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE**

**CRIMINAL APPLICATION NO. 1428 OF 2010  
IN  
CRIMINAL APPEAL NO. 775 OF 2010**

Anant Nathu Mankar	..Applicant/Oig. Accused No.1
versus	
The State of Maharashtra	..Respondents

**WITH**

**CRIMINAL APPLICATION NO. 1429 OF 2010  
IN  
CRIMINAL APPEAL NO. 775 OF 2010**

Pandurang Keshav Jhunjarrao	..Applicant/Oig. Accused No.2
versus	
The State of Maharashtra	..Respondents

Mr. C. G. Gavnekar for Applicants.  
Mr. Y. S. Shinde – Additional Public Prosecutor for State.

**CORAM : D. D. SINHA AND  
SMT. V. K. TAHILRAMANI, JJ.**

**DATED : NOVEMBER 30, 2010.**

**P.C. :**

1. Heard the learned counsel for the applicant / accused Anant Nathu Mankar (Criminal Application No. 1428 of 2010) and the applicant / accused Pandurang Keshav Jhunjarrao (Criminal Application No. 1429 of

2010) and the learned Additional Public Prosecutor for the State.

2. Both these applications are filed by the applicants for grant of bail. The learned counsel for the applicants has submitted that the applicants were convicted by the trial court for the offence punishable under Section 307 read with 34 of the Indian Penal Code and were sentenced to suffer rigorous imprisonment for life. It is contended that even as per the evidence of the eye witnesses original accused no. 2, viz. Sou. Alka Anant Mankar threw burning kerosene lamp (chimney) on the person of the complainant and because of that the clothes of the complainant caught fire and he sustained burn injuries. It is contended that so far as present applicants Anant and Pandurang are concerned, prosecution evidence shows that these persons instigated original accused no.2 to throw burning kerosene lamp on the person of the complainant. It is submitted that both the applicants were on bail during the course of the trial and original accused no. 2 Sou. Alka Anant Mankar has been released on bail by this Court vide Order dated 22nd October 2010. It is further contended that the present applicants have not misused the liberty granted to them during the course of the trial. It is further submitted that the applicants are ready and willing to abide by any conditions imposed by the Court in case of their release on bail.

3. The learned Additional Public Prosecutor has submitted that the prosecution case is based on the direct evidence as well as circumstantial evidence. However, he has not disputed that the evidence of the prosecution shows that the present applicants instigated original accused no.2 to throw the burning kerosene lamp on the person of the complainant. It is also not in dispute that both the applicants were on bail during the course of the trial and there is no material to show that they have misused the liberty granted to them.

4. Considered the contentions canvassed by the learned counsel for the applicants and the Additional Public Prosecutor for the State. The original accused no. 2 Sou. Alka Anant Mankar has been granted bail by this Court vide Order dated 22nd October 2010 and the present applicants were on bail during the course of the trial and there is nothing on record to show that they have misused the liberty granted to them. Similarly the prosecution evidence available against them prima facie shows that they had instigated the original accused no.2 to throw burning kerosene lamp on the person of the complainant. In these circumstances, we are of the view that prima facie case is made out by the applicants for grant of bail.

5. In the circumstances, the respondents are directed to release both the

applicants viz. Anant Nathu Mankar and Pandurang Keshav Jhunjarrao on bail subject to furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with one surety of like amount. Both the applicants are directed to attend Pali Police Station once in a month i.e. on 1st of every month from 11.00 a.m. to 2.30 p.m. for a period of six months from today. Both the Criminal Applications are disposed of accordingly.

**(D. D. SINHA, J.)**

**(SMT. V. K. TAHILRAMANI, J.)**