

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

***BAIL APPLICATION NO.1886 OF 2021***

Sahadev Nana Patil ... Applicant  
Vs  
The State of Maharashtra ... Respondents  
...

Mr. Satyavrat Joshi i/by Shri Sunil Kamble for the Applicant.

Mr. H.J.Dedhia, APP for the Respondent-State.

***CORAM : SANDEEP K. SHINDE J.  
DATE : 31<sup>st</sup> MAY, 2021.***

***P.C. :***

Heard Mr. Joshi, learned counsel for the applicant and Mr. Dedhia, the learned Additional Public Prosecutor for the State.

2 Applicant seeks his enlargement on bail in connection with Crime No.393 of 2020 registered with Chandgad Police Station for the offences punishable under Sections 307, 324, 323, 498A read with Section

34 of the Indian Penal Code, 1860.

3 Complainant is wife of the applicant. She married to the applicant in May, 2013. Two children were born from the said wed-lock. Complainant was living with applicant and her in-laws. She alleged that on 17<sup>th</sup> December, 2020, applicant had abused and beaten her as he was upset and unhappy since complainant did not bring valuables (gold) from her parents. It is alleged on this count, he poured kerosene and set her on fire. She further alleged when she raised cries for help, her in-laws saved her and admitted for treatment in rural hospital at Chandgad. On this set of allegations, subject offence was registered against the applicant and his parents. Applicant was arrested on 18<sup>th</sup> May, 2020. Investigation is over and charge-sheet has been filed.

4           Mr. Joshi, the learned counsel for the applicant, submits that material on record suggests that the complainant attempted to commit suicide. In support of this contention, he has taken me through the statements of Sharda Ganpati Patil and Keshav Ishwar Patil, next door neighbours of the complainant. Mr. Joshi has also brought to my notice, statement of the complainant's brother and mother recorded under Section 164 of the Code of Criminal Procedure, 1973. Relying on the statements of brother and mother of the complainant, Mr. Joshi would submit that these two statements suggest, that after the incident Supriya (Complainant) reported this incident to her mother on phone. It appears, complainant told her mother, that she herself extinguished/doused the fire; whereas in the complaint, Supriya reported that, when she cried for help, her in-laws saved her. However, statements of neighbours

suggest, at the material time, in-laws were not in the house. In addition, statements of neighbours, also suggest, that applicant had informed the incident to neighbours immediately and told them that his wife Supriya had attempted to commit suicide. Thus, material on record and attendant circumstances, lead to belief, probable attempt by Supriya to commit suicide. As to fact, whether she attempted to commit suicide or whether kerosene was poured by the husband on the person of the wife , could be ascertained only after the evidence is led. Be that as it may, herein couple was married in 2013. Alleged incident had occurred nearly after seven years. Allegations of demanding valuables are 'vague' in-as-much as there is nothing on record to indicate that since after the marriage till the incident, applicant-accused has ever demanded valuables from the complainant and for not fulfilling such demands, she was harassed or ill-treated by him.

5                    In consideration of the facts of the case and in view of the fact that the trial is not likely to, commence in near future but applicant's presence for the trial, can be secured by imposing conditions, applicant is directed to be released on bail on following conditions:

**CONDITIONS**

- (i)            The applicant in Crime No.393 of 2020 registered with Chandgad Police Station, shall be released on executing PR bond for the sum of Rs.30,000/- with one or more sureties in like sum.
- (ii)           The applicant shall stay out of jurisdiction of Taluka Panhala and Chandgad till the charge is framed.
- (iii)           The applicant shall furnish his permanent residential address and contact number to the Investigating Officer within seven days from the date of his release on bail.
- (iv)           The applicant shall not tamper with the evidence

or attempt to influence or contact the complainant, witnesses or any person concerned with the case

6           The application is accordingly allowed and disposed of.

7           It is made clear that observations made here-in-above be construed as expression of opinion for the purpose of bail only and the same shall not in any way influence the trial in other proceedings.

**(SANDEEP K. SHINDE, J.)**