

ORDER BELOW EXH.3
(Dated 17.08.2024)

1- This application is filed under Section 439 of Cr.P. C. by accused Nivrutti Bayaji Shendage for grant of regular bail in connection with crime No. 104/2024 registered with Baramati City Police Station for the offences p/u/s 302, 307, 452, 354(A) (2) of Indian penal Code.

2- It is case of prosecution that, on 01.02.2024 deceased Sindhubai Shankar Kaigude age 66 years was residing alone at Jalochi, Taluka Baramati. She was not having any child. Her relatives were maintaining her. On 01.02.2024 at about 11.00 a.m. she along with her niece Rajendra Babaso Sul had went at Shankar Nagari Patsanstha, Baramati to withdraw her amount. Thereafter at about 1.15 p.m. she has returned to her house. At about 1.30 p.m. a person viz. Nivrutti Bayaji Shendage residing behind her house had came holding a petrol bottle. She was keeping the amount in the cupboard. Nivrutti Shendage asked her “गोदाबाई तू माझे सोबत शरीर संबंध ठेवणार का ?” Sindhubai replied “तू माझे घराचे बाहेर निघून जा. मला तुझेबरोबर कसलेच संबंध ठेवायचे नाहीत.” Due to her refusal, Nivrutti got angry. Therefore, he has poured the petrol from the bottle holding in his hand upon her person and set her on fire by throwing a burning matchstick. Thereafter he had fled away from the spot. At the same time Sindhubai has came out of house shouting. The neighbour Sangita Gosavi extinguished the fire by pouring water upon her person. Sindhubai sustained burning injuries upon her back side

from neck to waist. Her hands, face and chest also got burning injuries. Her hair of the back side were also got burn. Her neighbours and relatives had carried her to the Mahila Hospital Baramati for treatment. Police have recorded her statement about the incident. On the basis of her statement CR No.104/2024 for the offences p/u/s 307, 452, 354(A)(2) of IPC came to be registered with Baramati City Police Station. Subsequently, she was shifted to Sassoon hospital, Pune. On 08.02.2024 at about 2.00 a.m. Sindhubai succumbed the burning injuries. Therefore Investigation Authority has applied Section 302 of IPC in alleged crime.

3- Heard Ld. Advocate for applicant and Ld. APP for the State. Perused the police papers and other documents.

4- Ld. Advocate for applicant submitted that applicant has not committed any offence. The false case has been fastened against the applicant. The prosecution has come up with concocted story which is of false events and eventualities. No any independent witness has been found to supports the prosecution case. All the witnesses are interested. There is no medical certificate indicating that the deceased was fit to give the statement. No prima facie case is made out against the applicant for the offence p/u/s 302, 452, 354 of IPC. There are no any criminal antecedent against the applicant. There is no any overt act alleged against the applicant. The investigation into the crime is completed and the charge sheet is filed. The applicant is senior

citizen and suffering from many medical situations. If he will be released on bail, he will not interfere in the prosecution evidence, will not tamper the prosecution witnesses. He is ready to furnish surety and abide by all conditions if imposed. Hence he be released on bail.

5- The Ld. APP strongly objected the application and argued that the alleged offence is against the woman and serious in nature. If the applicant will be released on bail, pressurising the witnesses, commission of similar offence and destruction of evidence at his hands cannot be ruled out. The possibility of his absconding is also cannot be ruled out. From the Charge sheet prima facie it is made out that the applicant has set the deceased on fire. Hence application be rejected.

6- Advocate for applicant has relied upon order in Criminal Application (Bail) No. 396/2021 Babuli Gaonkar V/s Police Inspector and another of Hon'ble High Court of Bombay at Goa reported in 2021 SCC Online Bom. 685.

7- I have gone through the order. In the cited case the accused has not caused any hurt to the victim and acted in self defence. The incident of crime was on the spur of the moment with no premeditation. Being facts differ, the cited order is not applicable in the present matter.

8- Perused charge-sheet. The alleged offence is serious in nature. The deceased was woman aged 66 years old. The statement of deceased clearly shows that, prior to setting her on fire the accused had asked her for sexual intercourse. The statements of witnesses clearly shows that the applicant has committed the offence with pre planning. There is material evidence on record against the accused. If the applicant will be released on bail, possibility of commission of similar offence at his hands against any other woman cannot be ruled out. Hence he is not entitled for bail. Resultantly, I pass the following order.

ORDER

1] Application Exh.3 is rejected.

Date : 17.08.2024

(S.S. Saste)
Additional Sessions Judge,
Baramati.

CNR No.
MHPU14-001140-2024

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Spl Case No.94/2024

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same word for word as per original order.

Name of Steno. :- S.V. Hirve(Steno -Grade-1)
Court Name :- S.S. Saste.
Addl. Sessions Judge, Baramati
Date of order. :- 17.08.2024
Order signed by P.O. on :- 17.08.2024
Order uploaded on :- 17.08.2024