

MHST010013842024



Sessions Case No.50 of 2024
ORDER BELOW EXH.05

Suraj Raju Mane

...Applicant/accused

V/s.

State of Maharashtra
(Through Satara city Pol. Stn.)

...Prosecution

1. The accused is seeking bail in connection with Crime in CR No. 435 of 2024 registered with Satara city police station for the offence punishable under Section 307, 302 of the Indian Penal Code.
2. In short, the prosecution case is that, the accused and deceased were husband and wife living along with their daughter. The accused got annoyed as the deceased refused to pay the amount so demanded by the accused. The accused, poured diesel from the stove and set her on blaze. The deceased sustained burn injuries and while taking treatment, succumbed to the burn injuries. Thus, the report by the deceased.
3. The learned advocate for the accused submitted that there are two versions in the FIR and statement of deceased. As per the first version, the deceased alleges pouring of diesel on her person. The second version is that after the incident, she on

her own extinguished the fire and got admitted in the hospital whereas in first version, it is alleged that the accused tried to extinguish the fire. The daughter was eye witness to the incident. As per her statement under Section 164, the incident occurred when the accused took out bottle from his pocket and poured on the person of deceased. Thus, it is contended that there is material variance in prosecution version. That apart, it is contended that the spot panchanama does not indicate presence of diesel on the spot as well as the investigation agency has not seized the stove from the spot and therefore, it creates doubt as regards the incident. The possibility of blast of stove cannot be ruled out. The accused is behind the bars since last one and half year. The investigation has got completed warranting no more custody. The accused has been booked in present crime because he has previous criminal history. Thus, prayed for grant of bail.

4. The prosecution by filing say (Exh.9) strongly opposed the application. It is contended that there are as many as 17 different crimes registered against present accused. The eye witness i.e. daughter of the deceased and accused is 5 years old and if the accused is released on bail, the possibility of tampering with prosecution witness cannot be ruled out. The accused is habitual criminal and if granted bail, the accused may flee away and may not be available for trial and therefore, prayed for rejection of the application.

5. The mother of the deceased by filing say (Exh.10)

opposed the application on vary same line as that of prosecution i.e. citing the criminal history of the accused.

6. The prosecution came with the story that the accused set the deceased on blaze by pouring diesel on her person. The report is lodged by the deceased while she was taking treatment. The deceased succumbed to the burn injuries thereby escalating the gravity of offence from attempt to murder to murder having minimum punishment of life imprisonment.

7. The learned Advocate had pointed out the discrepancies from the charge sheet so filed from the statements of deceased and her daughter. As it can be seen from record, the daughter is about 5 years old. Thus, her statement more particularly the discrepancy in respect of making available of inflammable object can be ignored. The minor contradictions and omissions within the statements of deceased can be dealt with during the trial. The accused had also sustained burn injuries while extinguishing the fire. The same indicates or rather secures the presence of accuse don the spot as well as it supports the incident. In any case, the offence being grave, in my considered view, this is not a fit case for grant of bail.

8. The accused is behind the bars since the date of his arrest. The investigation has been completed by filing charge sheet. Thus, the trial can be expedited and can be commenced without causing single day delay. The accused can be directed to proceed with the trial instead of considering the plea of bail.

The charge can be framed on next date. Thus, considering the peculiar facts, following order :-

ORDER

1. Application Exh.5 stands rejected.

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Dt. 12.12.2025

Place : Satara

(A.M. Shete)

Addl. Sessions Judge, Satara