

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1256 OF 2015

Devanand S/o Gangadhar Kalyane
Age : 40 years, Occu.: Labour,
R/o : Khandali, Tq. Ahmedpur,
District Latur

.. Applicant

Vs.

The State of Maharashtra
Through Police Station Officer,
Kingaon Police Station,
Tq. Ahmedpur, Dist. Latur

.. Respondent

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Mr. N.P. Patil Jamalpurkar, Advocate for the applicant
Mrs. S.D. Shelke, APP for the respondent-State

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CORAM : M.T. JOSHI, J.

DATED : 01/04/2015

ORAL ORDER :

1. Heard both sides.
2. The present applicant, who is facing trial in Sessions Case No. 19 of 2014 pending before the learned Additional Sessions Judge at Ahmedpur for the offences punishable under section 302 r/w. 498-A of the Indian Penal Code, is praying for his release on bail.

3. The wife of the present applicant, namely, Shivnanda suffered burn injuries on 5/2/2014. She was admitted to the hospital in unconscious condition and she ultimately died on the next day. Thereafter, on 11/2/2014, her brother filed a complaint alleging therein that the present applicant always used to give ill-treatment to the deceased over demand of money. In the circumstances, on 5/2/2014, he set her on fire by pouring kerosene on her person. The daughter of the couple, namely, Anushree later-on told that her grandmother and grandfather had threatened her and, therefore, she had earlier made a statement that her deceased mother had herself set on fire while she has witnessed the incident, wherein the present applicant had set the deceased on fire. On the basis of this complaint, the crime came to be registered.

4. Mr. Jamalpurkar, learned counsel for the

applicant submits that the earlier application of the present applicant, bearing Criminal Application no. 3201 of 2014 was allowed to be withdrawn by this Court on 08/07/2014, with liberty to file similar application in case the trial is not concluded within a period of four (4) months. The trial is yet to begin. He submits that as regards the incident dated 5/2/2014, the complaint came to be filed on 11/2/2014. The daughter being a child, she was pressurized by the brother of the deceased to make a statement suitable to his version after six days of the death of the deceased. In the circumstances, he submits that the applicant be released on bail.

5. Learned A.P.P. opposed the application.

6. Considering all the facts on record, without going into the question, as to whether, the delay in filing the FIR is properly explained or not, finding that the trial may take its own time,

in the nature of the allegations, in my view, the present applicant now can be released on bail. Hence, the following order:-

7. The Application is allowed.

8. The applicant - Devanand S/o Gangadhar Kalyane be released on bail in Sessions Case No. 19 of 2014 pending before the learned Additional Sessions Judge at Ahmedpur for the offences punishable under section 302 r/w. 498-A of the Indian Penal Code, upon his executing P.R. bond in the sum of Rs.20,000/- (Rs. Twenty Thousand) and also upon furnishing surety in the like amount.

9. Application stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

arp/-