

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1257 OF 2015

Mahadeo Mohan Waghmare

.... APPLICANT

V E R S U S

The State of Maharashtra

.... RESPONDENT

.....

Mr. Milind Patil, Advocate for Applicant.

Mr. M.M.Nerlikar, A.P.P. for Respondent – State.

.....

CORAM : V.M.DESHPANDE, J.

DATE : 24th MARCH, 2015

.....

PER COURT :

1. By the present Criminal Application, the applicant is seeking his enlargement on regular bail in connection with Crime No. 159/2014 registered with Udgir (Rural) police station, Latur for the offences punishable u/s 302, 498-A read with 34 of the Indian Penal Code.

2. Heard Mr. Milind Patil, the learned counsel for the applicant and Mr. M.M.Nerlikar, the learned A.P.P. for Respondent – State.

3. The investigating agency has already completed its investigation and charge sheet is already filed. The entire case of the prosecution rests on two dying declarations made by Ushabai, first is made to the police and the another is recorded by the Executive Magistrate. Though, both the dying declarations are consistent to the extent that the applicant has ignited the match stick, both shows that kerosene was poured by herself. Further, in both the dying declarations the thumb impression of the deceased is available. Those thumb impressions show clear-cut ridges. The postmortem report shows that the upper limbs of the deceased were burnt to the extent of 8 % meaning thereby those were completely burnt. Further, inquest panchanama clearly shows that both her hands were completely burnt. In that view of the matter, the appearance of clear ridges and curves of the thumb impression creates suspicion, at least *prima facie*. Further, the other accused persons are already released on bail. No fruitful purpose will be served just by keeping the husband in jail.

4. Hence, I pass the following order.

- (i) The present Criminal Application is hereby allowed.
- (ii) The applicant Mahadeo S/o Mohan Waghmare be released on bail in connection with Crime No. 159/2014 registered with Udgir (Rural) police station, Latur for the offences punishable

u/s 302, 498-A read with 34 of the Indian Penal Code on he executing P.R. Bond of Rs. 10,000/- [Rupees Ten Thousand] with one solvent surety of like amount. Bail before the trial Court.

- (iii) The applicant shall not contact in any way with the first informant or any of his in-law. If it is noticed by the Investigating Officer that the applicant is trying to pressurize the witnesses, that will give cause to the Investigating Officer for filing an application for cancellation of bail.
- (iv) The observations made in the order are *prima facie* in nature and those are made only for the purpose of decision of the bail application and the learned Sessions Judge shall not get influenced by this order.
- (v) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]