

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

CRIMINAL APPLICATION NO. 1365 OF 2015

Rukhmini W/o Ashok Kakade

.... **APPLICANT**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. N.B.Narwade, Advocate for Applicant.

Mr. A.S.Shinde, A.P.P. for Respondent – State.

Mr. K.N.Lokhande, Advocate for father of deceased.

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CORAM : V.M.DESHPANDE, J.

DATE : 31st MARCH, 2015

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PER COURT :

1. The present applicant is seeking her enlargement on bail in connection with Crime No. 64/2015 for the offences punishable u/s 302, 307, 498-A, 323, 504, 506 read with 34 of the Indian Penal Code registered with Police Station Pathardi, district Ahmednagar.

2. Heard Mr. N.B.Narwade, learned counsel for the applicant, Mr. A.S.Shinde, learned A.P.P. for Respondent – State and Mr. K.N.Lokhande, learned counsel for father of deceased Padma in extenso.

3. Statement of deceased Padma was recorded on 17/02/2015 at burn ward, Civil Hospital, Ahmednagar by the police office and her statement was also recorded by the Executive Magistrate on 16/02/2015. Learned A.P.P. has made me available the investigation papers. Both the dying declaration of deceased Padma shows that her marriage with Ramkisan was the second marriage. The said marriage was solemnized about 15 – 16 years ago. From both the dying declarations, it is crystal clear that on the day of incident, husband Ramkisan poured kerosene on the person of deceased and set her ablaze. The allegations against the present applicant is that she has instigated Ramkisan.

4. The entire case of the prosecution rests on two dying declarations of deceased Padma. The role ascribed to the present applicant is only of instigation. Further, the applicant is lady. In view of the fact that the entire case of the prosecution is based on written dying declarations, the custodial presence of the present applicant is not at all necessary.

5. Hence, I pass the following order :

(i) The present Criminal Application is hereby allowed.

(ii) The Applicant be released on bail in connection with Crime No. 64/2015 for the offences punishable u/s 302, 307, 498-A, 323,

504, 506 read with 34 of the Indian Penal Code registered with Police Station Pathardi, district Ahmednagar on she executing P.R. Bond of Rs. 5,000/- [Rupees Five Thousand] with one solvent surety of like amount. Bail before the trial Court.

(iii) With these observations, the present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]