

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

Criminal Application No. 1404 Of 2015.

**LAXMI @ YASHODA W/O RANGNATH WALEKAR.
VERSUS
THE STATE OF MAHARASHTRA.**

Appearance =>

Mr. Sudarshan Salunke, Advocate for the Applicant.

Mr. M.M. Nerlikar, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 30th March, 2015.

Per Court :-

Present Criminal Application is filed by the applicant for grant of regular bail, in connection with CR No. 105/2014 registered with Police Station, Hatta, Tal. Basmath, District – Hingoli, for the offences punishable under Section.s. 302, 304(B), 498(A), 506(2), read with 34 of of the Indian Penal Code.

[2] Heard Mr. Sudarshan Salunke, learned counsel for the Applicant and Mr. M.M. Nerlikar, learned Additional Public Prosecutor for the State of Maharashtra.

[3] Present applicant is mother-in-law of deceased Yogita. Investigating Officer has already completed the entire investigation and charge-sheet is already filed in the court of law. First Dying

Declaration was recorded on 19th November, 2014 at 1.40 p.m. Said Dying Declaration was recorded by Assistant Sub Inspector, Police Station, Nanal Peth, Parbhani after obtaining the fitness certificate from the Medical Officer, Civil Hospital, Parbhani.

[4] Perusal of said Dying Declaration clearly shows that, the burn injuries suffered by Yogita were due to accident and present applicant was one of the person, who has admitted Yogita into the Hospital.

[5] Another Dying Declaration was recorded on 19th November, 2014 at 3.15 p.m. by the Naib Tahasildar, Parbhani, which is not in Question-Answer form. Said Dying Declaration shows that, husband of Yogita namely Dnyaboba Walekar and mother-in-law poured kerosene on her person and ablaze her.

[6] Even in the said Dying Declaration name of present applicant is shown as "Vimal" but she is Laxmi @ Yashoda Rangnath Walekar. Further, said Dying Declaration does not disclose who has poured kerosene and set her ablaze.

[7] In view of the fact that there are two Dying Declarations contrary to each other and in view of the fact that Charge-Sheet is already filed and present applicant is a lady, she deserves sympathetic consideration from the court. Hence, I pass the following order :-

ORDER

(i) Criminal application is allowed.

(ii) Applicant - LAXMI @ YASHODA W/O RANGNATH WALEKAR shall be released on bail on she executing P.R. Bond of Rs. 10,000/- (Rs. Ten Thousand.] with one solvent surety in the like amount, in connection with CR No. 105/2014 registered with Police Station, Hatta, Tal. Basmath, District – Hingoli, for the offences punishable under Section.s. 302, 304(B), 498(A), 506(2), read with 34 of of the Indian Penal Code.

(iii) With this Criminal Application is disposed of.

(V.M. DESHPANDE, J.)