

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

Criminal Application No. 1405 Of 2015.

**JAINTUNBI W/O AHMEDKHAN PATHAN AND OTHERS.
VERSUS
THE STATE OF MAHARASHTRA.**

Appearance =>

Mr. Anandsing Bayas, Advocate for the Applicants.

Mrs. V.A. Shinde, Additional Public Prosecutor for the State of Maharashtra.

Mr. Anjinkya Reddy, Advocate for the First Informant.

CORAM : V.M. Deshpande, J.

DATE : 30th March, 2015.

Per Court :-

Present Criminal Application is filed by the applicants for grant of regular bail in connection with CR No. 3/2015 registered with Udgir (Rural) Police Station, Udgir, Tal. Udgir, District -Latur, for the offences punishable under Section.s. 302, 109, 114, 498(A), 323 read with 34 of the Indian Penal Code.

[2] Heard Mr. Anandsing Bayas, learned counsel for the Applicants, Mrs. V.A. Shinde, learned Additional Public Prosecutor for the State of Maharashtra and Mr. Anjinkya Reddy, learned counsel for the First Informant, in extenso.

[3] Though Charge-Sheet is yet to be filed, learned Additional Public Prosecutor has fairly stated that, entire investigation is over and only formality of filing of the Charge-sheet is remained to be done. First Information Report and also statement of daughter of deceased Rehana and Amjad @ Hasan, who is the son of deceased Rehana, clearly attribute the role against their father – husband of deceased Rehana. In so far as present applicants are concerned, their role attributed is only instigation.

[4] Looking to the role attributed to the present applicants and looking to the fact that applicant No.1 - Jaintunbi is 85 years old and applicant No.2 - Habeeb is 70 years old, and considering a fact that, only formality of filing of the Charge-sheet is remained to be done, this court is of view that, no purpose will be sub-served by keeping them in jail. Hence, I pass the following order :-

ORDER

(i) Criminal application is allowed.

(ii) Applicant No.1 Jaintunbi w/o Ahmedkhan Pathan and Applicant No.2 – Habeeb s/o Ahmedkhan Pathan shall be released on bail on they executing P.R. Bond of Rs. 5,000/- (Rs. Five Thousand.) each with one solvent surety in the like amount, in connection with CR No. 3/2015 registered with Udgir (Rural) Police Station, Udgir, Tal. Udgir, District -Latur, for the offences punishable under Section.s. 302, 109, 114, 498(A), 323 read with 34 of the Indian Penal Code.

(iii) With this Criminal Application is disposed of.

(V.M. DESHPANDE, J.)