

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

CRIMINAL APPLICATION NO. 1604 OF 2015

DARUBAI BABURAO SARKATE.

VERSUS

THE STATE OF MAHARASHTRA.

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Appearance =>

Mr. Prakash S. Paranjape, Advocate for the Applicant.

Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 10th April, 2015.

Per Court :-

Present Criminal Application is filed by the applicant for grant of anticipatory bail, since she is apprehending her arrest in connection with CR No. 333/2014 registered with Jalna Taluka Police Station, District – Jalna, for the offences punishable under Section.s. 307, 498(A), 506 read with 34 of the Indian Penal Code.

[2] Heard Mr. Prakash S. Paranjape, learned counsel for the Applicant and Mrs. Pratibha Bharad, learned Additional Public Prosecutor for the State of Maharashtra.

[3] The Investigating Officer has already completed the entire investigation and charge sheet is already filed before the court of law. In the charge sheet, there are three statements of injured – Seema. First statement

of Seema was recorded on 11/11/2014. Said statement is recorded by Asstt. Sub Inspector. Said statement clearly shows that, all the allegations were made by Seema against her husband alone. No iota of allegations is found to be made against the present applicant, who is mother-in-law.

[4] Another statement of injured was recorded by the Special Executive Magistrate, Aurangabad in the Hospital itself on 11/11/2014. Even in the said statement recorded by the Special Executive Magistrate injured has not attributed any role against the present applicant. All overt acts were attributed to her husband. In these two statements, present applicant was absolved by the injured.

[5] On 27th November, 2014 supplementary statement of Seema was recorded and in that statement, name of present applicant is surfaced. Role attributed to the present applicant, even in that statement, does not show that, either she has poured kerosene or ignited the match stick. Role attributed is that she closed the doors of house.

[6] Looking to the fact that, in the first two statements which were recorded immediately by the Police and Special Executive Magistrate, present applicant is absolve by the injured and now, charge sheet is already filed and here is no possibility of converting the present offences into greaver one, in my view, the applicant has made out a case for grant of anticipatory bail; since custodial presence of applicant is not at all necessary Hence, I pass the following order :-

ORDER

(i) In the event of arrest, applicant - DARUBAI BABURAO SARKATE shall be released on anticipatory bail on her

executing P.R. Bond of Rs. 5,000/- [Rs. Five Thousand.] with one solvent surety in the like amount, in connection with CR No. 333/2014 registered with Jalna Taluka Police Station, District – Jalna, for the offences punishable under Section.s. 307, 498(A), 506 read with 34 of the Indian Penal Code.

(ii) Application is disposed of.

(V.M. DESHPANDE, J.)