

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1694 OF 2015
[Afshan w/o Firoz Tadvi Vs The State of Maharashtra]

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri N.S.Ganekar, advocate for applicant
Shri U.H.Bhogale, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.
DATED : 16th April, 2015

PER COURT :-

- 1] Heard Shri N.S.Ghanekar, learned counsel for the applicant and Shri U.H.Bhogale, learned Additional Public Prosecutor for the respondent/State.
- 2] By the present application, the applicant is seeking her release on bail since she is arrested in connection with Crime No. 160 of 2014, registered with Raver Police Station, District Jalgaon, for the offences punishable under Sections 307, 302, 504 of the Indian Penal Code.
- 3] The offence is registered on the basis of the statement of deceased Sakinabai Khalil Tadvi. Her statement was recorded on 27.10.2014 when she was admitted at Rural Hospital at Raver. Initially, offence was registered for the offence punishable under Sections 307, 504 of the Indian Penal Code, however, after the death of Sakinabai on 22.11.2014, the offence punishable under Section 302 of the Indian Penal Code was added.
- 4] The dying declaration and also the statement of Gulshan shows that the present applicant who is the wife of the brother of husband of the deceased has poured kerosene

and then she pushed the deceased towards hearth due to which she suffered burn injuries. However, in the charge sheet there is a certificate of Shushrut Hospital from Dr. V.J.Warke showing that when the deceased was admitted in the said hospital, the history was given that she has suffered accidental burns. Her admission at Warke's hospital is corroborated by the statement of Khalil the husband of the deceased.

5] Further, the applicant is lady. The investigation is already over. The applicant is arrested on 27.10.2014. In near future there is no chance of commencing the trial. Till today charge is not framed. In that view of the matter and looking to the fact that the applicant is lady, leniency can be shown since the incident has happened in sudden quarrel between the applicant and the deceased. Hence, I pass the following order.

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant-Afshan w/o Firoz Tadvil be released on bail, in connection with Crime No. 160 of 2014, registered with Raver Police Station, District Jalgaon, for the offences punishable under Sections 307, 302, 504 of the Indian Penal Code, on her executing P.R. bond in the sum of Rs. 5,000/- with one solvent surety in the like amount.
- (iii) Bail before the trial court.
- (iv) The application is disposed of.

(V.M.DESHPANDE, J.)