

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 1695 OF 2015**[Baliram s/o Kashinath Mahajan and ors. 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 Rupesh Jailwal, advocate h/f
Shri N.S.Ghanekar, advocate for applicants
Shri A.S.Shinde, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.**DATED : 15th April, 2015****PER COURT :-**

1] This is an application filed on behalf of the father-in-law and mother-in-law of deceased Archana who are seeking their release on bail since they are arrested in connection with Crime No. 168 of 2014, registered with Raver Police Station, District Jalgaon for the offences punishable under Sections 302, 498-A, 34 of the Indian Penal Code.

2] I have heard learned counsel for the applicants and the learned Additional Public Prosecutor.

3] The investigating agency has already completed its entire investigation and charge sheet is filed before the court. Crime is registered on the basis of the dying declaration of deceased recorded by the Assistant Police Inspector on 9.11.2014. In the said dying declaration, the deceased has specifically ascribed the role against the present applicants and has stated that they closed the door from outside. After perusal of the dying declaration, which is part and parcel of the charge sheet, it is clear that the said dying declaration is recorded in the presence of Smt.Ranjana Mahajan, who is

the elder sister of Archana. Thus, at least prima facie the submission of the learned counsel that the dying declaration is the outcome of tutoring cannot be completely ruled out.

4] Further, there are statements of independent witnesses Pramod Mahajan and Jagdish Patil who are the neighbours of the deceased. They have specifically stated that the room was closed from inside. Thus there is variance, as in the dying declaration the deceased has stated that the room was closed from outside, whereas the witnesses state that the door was closed from inside and they were required to open that particular door.

5] Looking to the nature of such evidence available in the charge sheet and since the investigation is already over, further custodial presence of the applicant is not at all necessary. Hence, I pass following order.

O R D E R

- (i) Application is allowed.
- (ii) Applicants-Baliram s/o Kashiram Mahajan and Bebabai w/o Baliram Mahajan be released on bail, in connection with Crime No.168 of 2014, registered with Raver police station, District Jalgaon, for the offences punishable under Sections 302, 498-A 34 of the Indian Penal Code on they executing P.R. bond in the sum of Rs.15,000/- with two solvent sureties.
- (iii) Bail before the trial court.
- (iv) Criminal Application is disposed of.

(V.M.DESHPANDE, J.)