

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

CRIMINAL APPLICATION NO. 1999 OF 2015.

ANANT S/O VYANKATI DOUND.
VERSUS
THE STATE OF MAHARASHTRA & ORS.

Appearance =>

Mr. Sudarshan J. Salunke, Advocate for the Applicant.

Mrs. S.G. Chincholkar, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 29th April, 2015.

Per Court :-

Present Criminal Application is filed by the Applicants for grant of anticipatory bail, since they are apprehending their arrest in connection with CR No.24/2015 registered with Police Station, Parali (Rural), District – Beed for the offences punishable under Section.s. 302, 147, 149, 323 of the Indian Penal Code.

[2] Heard Mr. Sudarshan J. Salunke, learned counsel for the Applicants and Mrs. S.G. Chincholkar, learned Additional Public Prosecutor for the State.

[3] Mrs. S.G. Chincholkar, learned Additional Public Prosecutor, on the basis of the investigation papers with her submits that there are three dying declarations of deceased Laxman Manikrao Nagargoje. His dying

declaration, recorded on 13th February, 2015 is treated as first information report. Initially, it was for the offence punishable under Section 307 of the Indian Penal Code however, after the death of Laxman, on 17th February, 2015, offence punishable under Section 302 of the Indian Penal Code was added. There are three dying declarations :-

1st Dying Declaration :- recorded on 13/02/2015,

2nd Dying Declaration :- recorded on 14/02/2015 at 18.30 hrs.,

3rd Dying Declaration : recorded on 14/02/2015 at 20.00 hrs.

First and second dying declarations are recorded by the Police; whereas 3rd dying declaration was recorded by the Special Executive Magistrate. The first dying declaration shows that when deceased had been to the house of his in-laws to fetch his wife – Manisha that time, present applicant and co-accused asked him, as to why he is not giving divorce to his wife – Manisha. Thereafter, he was assaulted. The dying declaration further reveals that all the accused persons then tied his hands by gamja (गमजा) and thereafter, his father-in-law – Ashok Baburao Mundhe covered his face by bed sheet. Then kerosene was poured on him and set him ablaze.

2nd Dying Declaration which is recorded by the Police Inspector attributes the role of present Applicant No.1 - Anant Vyankati Dound that he and father-in-law Ashok have tied his hands and one of them has covered his face and then kerosene was poured on him .

However 3rd Dying Declaration which is recorded by the Special Executive Magistrate shows that, entire role is attributed by the deceased Laxman against his father-in-law – Ashok that he has poured kerosene and he has set him ablaze.

[4] Thus, in view of these three dying declarations, differing versions are stated. Further no role is attributed to applicant No.2 – Chanda.

[5] Looking to the differing versions in three dying declarations and especially when in the dying declaration recorded by the Special Executive Magistrate, no role is attributed to any of the present Applicants, they made out a prima facie case in their favour for grant of anticipatory bail. Hence, I pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant No.1 - ANANT S/O VYANKATI DOUND and Applicant No.2 – CHANDA @ REKHA W/O. ANANT DOUND shall be released anticipatory bail on they executing P.R. Bond of Rs. 25,000/- [Rs. Twenty Five Thousand.] each with one solvent surety in the like amount, in connection with CR No.24/2015 registered with Police Station, Parali (Rural), District – Beed for the offences punishable under Section.s. 302, 147, 149, 323 of the Indian Penal Code.

(iii) With this Criminal Application is allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)