

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2065 OF 2015

Anil s/o Tukaram Kantule

.... APPLICANT

V E R S U S

The State of Maharashtra

.... RESPONDENT

.....

Mr. B.R.Loya, Advocate for Applicant.

Mrs. S.G.Chincholkar, A.P.P. for Resp. - State.

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CORAM : V.M.DESHPANDE, J.

DATE : 5th MAY, 2015

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PER COURT :

1. This is an application for regular bail, since the applicant is arrested in connection with Crime No. 298/2014 registered with police station Jawahar Nagar, Aurangabad Dist. Aurangabad for the offences punishable u/s 306,498-A of the Indian Penal Code.

2. Heard Mr. B.R.Loya, learned Counsel for the applicant and Mrs. S.G.Chincholkar, learned A.P.P. for respondent – State.

3. Investigation is over and charge sheet is already filed.

4. Entire case of the prosecution based on two dying declarations recorded by (i) Police Officer dated 15/01/2014 and (ii) Special Judicial Magistrate on 16/12/2014. There is variance between two dying declarations in respect of the role attributed to the present applicant. Further, though there is role attributed against applicant, charge sheet is not filed for the offence punishable u/s 302 of the Indian penal Code, but it is filed only for the offence punishable u/s 306 of the Indian penal Code.

5. Looking to the fact that charge sheet is filed and in view of the dying declaration of the deceased, further continuance of the present applicant in jail is not warranted.

6. Hence, I pass the following order :

(i) Present Criminal Application is hereby allowed.

(ii) Applicant Anil s/o Tukaram Kantule be released on bail in connection with Crime No. 298/2014 registered with police station Jawahar Nagar, Aurangabad Dist. Aurangabad for the offences punishable u/s 306,498-A of the Indian Penal Code on he executing P.R.Bond of Rs. 5,000/- [Rupees Five Thousand] with one

solvent surety of like amount. Bail before the trial Court.

(iii) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]

KNP/Cr.Apln. 2065.2015