

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

CRIMINAL APPLICATION NO. 2070 OF 2015.

**RAICHAND S/O DEORAO KHOMANE & OTHERS.
VERSUS
THE STATE OF MAHARASHTRA.**

Appearance =>

Mr. Rupesh Jaiswal, Advocate h/for Mr. Nilesh S. Ghanekar,
Advocate for the Applicants.

Mr. A.S. Shinde, Additional Public Prosecutor for the State of
Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 30th April, 2015.

Per Court :-

Present Criminal Application is filed by the Applicants for grant of regular bail, in connection with CR No. I 58/2014 registered with Police Station, Maujpuri, District – Jalna for the offences punishable under Section.s. 302, 498(A), 323, 504 read with 34 of the Indian Penal Code and under Section/s 3 and 4 of the Dowry Prohibition Act.

[2] Mr. A.S. Shinde, learned Additional Public Prosecutor placed on record certified copy of written dying declaration of deceased Archana, recorded by the Special Executive Magistrate.

[3] Mr. Rupesh Jaiswal, learned counsel at the outset states that, he does not wish to press application for Applicant No.2 – Vitthal and Applicant No.3 – Ramkisan.

In that view of the matter, present Criminal Application is dismissed as withdrawn against Applicant No.2 – Vitthal Raichand Khomane and Applicant No.3 – Ramkisan Raichand Khomane.

[4] In the present case, charge-sheet is already filed. Case of the prosecution is rests on two written dying declarations of deceased Archana. Applicant No.1 – Raichand Khomane is the father-in-law of deceased. In the dying declaration recorded by the Police, she has specifically attributed the role against the present Applicant No.1 – Raichand that she was caught hold by the present Applicant No.1 – Raichand. However, in the dying declaration, which was recorded by the Special Executive Magistrate, no such role is ascribed to Applicant No.1 – Raichand Khomane.

[5] In that view of the matter, Application filed by Applicant No.1 - Raichand Khomane can be considered favourably in view of the fact that case of the prosecution is based on dying declarations and charge-sheet is already filed. Hence, I pass the following order :-

ORDER

- (i) Criminal Application is partly allowed.
- (ii) Criminal Application filed by Applicant No.2 – Vitthal Raichand Khomane and Applicant No.3 – Ramkisan Raichand Khomane is dismissed as withdrawn.

(iii) Criminal Application filed on behalf of Applicant No.1 – Raichand Khomane is allowed.

(iv) Applicant No.1 – Raichand Khomane shall be released on regular bail on he executing P.R. Bond of Rs. 10,000/- [Rs. Ten Thousand.] with one solvent surety in the like amount, in connection with CR No. I 58/2014 registered with Police Station, Maujpuri, District – Jalna for the offences punishable under Section.s. 302, 498(A), 323, 504 read with 34 of of the Indian Penal Code and under Section/s 3 and 4 of the Dowry Prohibition Act.

(v) Bail before trial court.

(vi) Criminal Application is partly allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)