

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

CRIMINAL APPLICATION NO. 2121 OF 2015

Alishanbi Rubab Tadvī & Ors.

.... **APPLICANTS**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. Shaikh Mohammad Naseer A.,
Advocate for Applicants.

Mr. A.S.Shinde, A.P.P. for Resp.– State.

.....

CORAM : V.M.DESHPANDE, J.

DATE : 30th APRIL, 2015

.....

PER COURT :

1. By the present application, applicants are seeking release on bail since they are arrested in connection with Crime No. 1/2015 registered with police station Raver, Dist. Jalgaon for the offences punishable u/s 302,307,498-A,323,504,506 read with 34 of the Indian Penal Code.

2. Heard Mr. Shaikh Mohammad Naseer A., learned counsel for the applicants and Mr. A.S.Shinde, learned A.P.P. for respondent – State.

3. Investigation is over. Charge sheet is already filed.

4. Applicant No. 1 is mother-in-law and applicant No. 2 is husband of deceased Shabana.

5. Case of the prosecution rest on two written dying declarations. First is recorded on 01/01/2015, which is treated as F.I.R. It is recorded by Police Inspector; while another dying declaration though recorded on 01/01/2015, it is recorded by the Special Executive Magistrate and it is in question and answer form. In both dying declarations, role is ascribed to applicant No. 1 Alishanbi that she has poured kerosene on the person of Shabana and set her ablaze. However, in the second dying declaration, no role is attributed to applicant No. 2. The role attributed to applicant No. 2 Mehabub in the first dying declaration is of instigation. In that view of the matter, application of applicant No. 1 needs to be rejected and application of applicant No. 2 can be considered favourably.

6. Hence, I pass the following order :

(i) Present Criminal Application is partly allowed.

(ii) Application of applicant No. 1 Alishanbi Rubab Tadvī is hereby rejected.

(iii) Applicant No. 2 Mehabub Rubab Tadvī be released on bail in connection with Crime No. 1/2015 registered with police station Raver, Dist.

Jalgaon for the offences punishable u/s 302,307,498-A,323,504,506 read with 34 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.

(iv) Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]