

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

CRIMINAL APPLICATION NO. 2280 OF 2015

Dnyanoba @ Dnyaneshwar Rangnath
Walekar

.... **APPLICANT**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. S.J.Salunke, 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. Present applicant, who is husband of deceased Yogita, is claiming to be released on bail since he is arrested in connection with Crime No. 105/2014 registered with police station Hatta, Dist. Hingoli for the offences punishable u/s 302,304-B,498-A,506 (2) read with 34 of the Indian Penal Code.

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

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

4. Learned counsel for the applicant submits that present applicant is arrested on 25/11/2014 and since then he is in jail.

5. Case of the prosecution is based on two dying declarations. First dying declaration is dated 19/11/2014. Said dying declaration reveals that on 18/11/2014, present applicant was not available in the village. At 4.00 p.m., when deceased Yogita was preparing for meal, that time she kept fire wood material in the hearth, poured kerosene and due to that there was sudden flair causing burn injuries to Yogita. However, in the another dying declaration, she has attributed role to the present applicant and her mother-in-law Vimalbai. Even the said dying declaration is not very specific that out of these two, who has poured kerosene and who has set her ablaze.

Looking to the fact that there are two dying declarations contradictory to each other and when the charge sheet is already filed, further presence of the applicant in jail is not warranted.

6. Hence, I pass the following order :

(i) Present Criminal Application is hereby allowed.

(ii) Applicant Dnyanoba @ Dnyaneshwar

Rangnath Walekar be released on bail in connection with Crime No. 105/2014 registered with police station Hatta, Dist. Hingoli for the offences punishable u/s 302,304-B,498-A,506 (2) read with 34 of the Indian Penal Code on he executing P.R.Bond of Rs. 10,000/- [Rupees Ten Thousand] with one solvent surety of like amount. Bail before the trial Court.

(iii) Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]