

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.2394 OF 2015

1. Vitthal s/o Banduba Bhosale ... **Applicant**
Age 70 years, Occupation: Private service

2. Sau Sindhubai Vithal Bhosale
Age 68 years, Occu: Household
Both r/o Mantri Nagar, Latur
Taluka & Dist. Latur

Versus

The State of Maharashtra ... **Respondent**
Through the Police Inspector,
Police Station, Shivajinagar, Latur.

Mr. M. V. Salunke, Advocate for the applicant
Mrs. P. J. Bharad, APP for the Respondent-State.

CORAM : V. M. DESHPANDE, J.

DATE : 12th June, 2015

PER COURT :

1. This is an application for regular bail since the applicants are arrested in connection with Crime No. 234/2014 registered at Police Station, Shivajinagar, Latur for the offences punishable under sections 302, 468-A, 376 read with 34 of the Indian penal Code.

2. I have heard Mr. Salunke, learned counsel for the applicants and Mrs. P. J. Bharad, learned Additional Public Prosecutor for the

State.

3. Investigating Agency has already completed its entire investigation and charge-sheet is filed. The applicants are arrested on 10.12.2014 and since then they are in jail. The deceased is one Parwatibai. Parwatibai is daughter-in-law of the present applicants. Age of the applicant No.1 is 70 years whereas applicant No.2 is 68 years.

4. Entire prosecution is based on two written dying declarations of Parwatibai. Both dying declarations are recorded at Hospital. The incident of setting Parwatibai ablaze has occurred on 09.12.2014. She died on 14.12.2012 in the Hospital. In spite of that, for the reasons best known to the investigating agency, dying declaration was not recorded by the Executive Magistrate.

5. The first dying declaration was recorded on 10.12.2014 whereas second dying declaration was recorded on 11.12.2014. From both the dying declarations, it is clear that deceased Parwatibai was set ablaze by her husband Pramod. Thus specific allegation is made against the husband Pramod. Husband Pramod has poured kerosene and set her ablaze. Allegation against the applicants is that they had

instigated the main accused Pramod.

6. Looking to the fact that the charge sheet is already filed, considering the age of the present applicants and the fact that the role attributed to them is only of instigation, their further custody is not necessary. In that view of the matter, I pass following order:

ORDER

- i. Applicants shall be released on bail in connection with Crime No. 234/2014 registered at Police Station, Shivajinagar, Latur for the offences punishable under sections 302, 468-A, 376 read with 34 of the Indian penal Code on their executing P.R. Bond of Rs. 10,000/- (Rs.Ten Thousand only) with one solvent surety in the like amount. Bail before trial Court.
- ii. Application is disposed of.

(V. M. DESHPANDE, J.)

JPC