

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

CRIMINAL APPLICATION NO. 2661 OF 2015.

SHAIKH MEHBOOB S/O SHAIKH HUSSAIN AND ANOTHER.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Pawankumar Agrawal, Advocate for the Applicants.

Mr. U.S. Mote, Additional Public Prosecutor for the State of Maharashtra.

Mr. P.A. Bharad, Advocate for father of deceased.

CORAM : V.M. Deshpande, J.

DATE : 15th June, 2015.

Per Court :-

Present Criminal Application is filed by Applicant No.1 – Shaikh Mehboob s/o Shaikh Husain and Applicant No.2 – Shaikh Tipusultan s/o Shaikh Mehboob for grant of anticipatory bail, since they are apprehending their arrest in connection with CR No.15/2015 registered with Police Station, Mukarmabad, Taluka- Mukhed, District - Nanded for the offences punishable under Section/s 302, 498(A), 323, 109 of the Indian Penal Code.

[2] Heard Mr. Pawankumar Agrawal, Advocate for the Applicants, Mr. U.S. Mote, Additional Public Prosecutor for the State of Maharashtra and Mr. P.A. Bharad, Advocate for father of deceased, in extenso.

[3] The First Information Report is lodged on the basis of dying declaration. Dying declaration of Shaikh Anjum was recorded at Government Hospital, Nanded on 2nd April, 2015. Said dying declaration was recorded by the Special Executive Magistrate. From the said dying declaration, it is clear that, marriage of deceased was solemnized with Ataurrehman Shaikh, who is the son and brother of present applicants, respectively. Husband of deceased is residing at Saudi Arabia. According to the dying declaration, on 2nd April, 2015 when the deceased had been to her house that time, two sisters-in-law by name Nilophar and Halima poured kerosene on her person and set her ablaze.

[4] From the entire dying declaration, no role is attributed against present applicants, in so far as death of deceased. It is not stated in the First Information Report that the present applicants were present at the time of incident.

[5] In that view of the matter, present Application needs to be allowed. Accordingly, it is allowed.

[6] Order passed by the Hon'ble Vacation Judge (Coram : V.K. Jadhav, J.) dated 22nd May, 2015 stands confirmed.

[7] With this Criminal Application is allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)