

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

CRIMINAL APPLICATION NO. 2778 OF 2015

Maroti s/o Bhujanga Shrimangale & Anr. **APPLICANTS**

V E R S U S

The State of Maharashtra & Anr. **RESPONDENTS**

.....

Mr. Rajesh Mewara h/f Mr. H.I.Pathan,
Advocate for Applicants.

Mr. V.H.Dighe, A.P.P. for R – 1 State.

.....

CORAM : V.M.DESHPANDE, J.

DATE : 10th JUNE, 2015

.....

PER COURT :

1. By the present application, applicants, who are father-in-law and brother-in-law of deceased Rukhminibai are seeking anticipatory bail since they are apprehending their arrest in connection with Crime No. 31/2015 registered with police station Loha, Dist. Nanded for the offences punishable u/s 498(A),307,304(B),201,323,504 read with 34 of the Indian Penal Code.

2. Heard Mr. Rajesh Mewara holding for Mr. H.I.Pathan, learned counsel for the applicants and Mr.

V.H.Dighe, learned A.P.P. for respondent No. 1 – State.

3. Learned A.P.P. submitted that when Rukhminibai was admitted in the hospital, her dying declaration is recorded by Special Executive Magistrate after the certification from the Doctor. From the dying declaration recorded by Special Executive Magistrate, it is clear that deceased Rukhminibai had attributed role against Sarubai, who is her mother-in-law and her husband Bhujang that they have poured kerosene on her and set her ablaze. No role is attributed against the present applicants. Learned A.P.P. submitted that in the F.I.R. which is lodged by father Tukaram, he has claimed that there is oral dying declaration made to him by Rukhminibai. Even after perusal of said particular portion, no role is attributed to Baburao. In view of the availability of the written dying declaration against the husband and mother-in-law of Rukhminibai, at this stage, looking to the age of the applicant No. 1 Maroti, father-in-law aged about 75 years and since he is clearly absolved in the written dying declaration, I see no reason to exercise my discretion in their favour.

4. Hence, I pass the following order :

(i) Present Criminal Application is hereby allowed.

(ii) In the event of their arrest, in connection with Crime No. 31/2015 registered with police station Loha, Dist. Nanded for the offences punishable u/s 498(A),307,304(B),201,323,504

read with 34 of the Indian Penal Code, applicant No. 1 Maroti s/o Bhujanga Shrimangale and applicant No. 2 Baburao s/o Maroti Shrimangale be released on anticipatory bail on they executing P.R. Bond of Rs. 5,000/- [Rupees Five Thousand] with one solvent surety by each of them.

(iii) Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]