

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's orders.	Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 2894 OF 2015

PRAMOD S/O ANURATH GAIKWAD & ANR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Sangale Sominath M.
APP for Respondent: Mr. P. N. Mule.

CORAM: T. V. NALAWADE, J.
DATED: 31st JULY. 2015.

PER COURT:

1. The application is filed for bail. Both the sides are heard.
2. The previous application was withdrawn when this Court expressed that this Court was not inclined to grant bail. Thus, the previous disposal was on merits.
3. Learned counsel for the Applicants submitted that the case has not made any progress and the applicants are behind bars since October, 2014 and on that ground the applicants are requesting for bail. He submitted that as the applicant No.2 is lady and she is taking education

(S.Y., B.A.) at least bail be granted to her.

4. The incident in question took place on 5th October, 2014. The deceased was aged about 19 years. She gave dying declaration and disclosed that the applicants had suspicion that she was using black magic against applicants and their family members. Applicant No.2 is a sister of Applicant No.1. On the day of the incident the applicants entered the house of the deceased, they picked up quarrel with her, Applicant No.1 poured kerosene on the person of the deceased and Applicant No.2 set fire to her. Fire was extinguished by neighbours and to them also the incident was disclosed by the deceased. Their police statements are recorded. In the hospital, the statement of the deceased came to be recorded by police and also by Executive Magistrate. She has described the incident in aforesaid manner. She succumbed to the burn injuries and so the charge is framed for offences punishable under sections 302, 452, 34 of I.P.C.

5. The report of the trial Court shows that for some time progress could not be made as the Muddemal property and C.A. report were not produced but now the

matter is ready. In view of these circumstances, and as there are two dying declarations which are recorded and there is record of oral dying declaration, this Court holds that it is not a fit case to grant bail. The witnesses are neighbours of the applicants and there is possibility of tampering with the evidence.

6. In the result, application is rejected.

[T. V. NALAWADE, J.]

Dt.31/07/2015
ans/2894