

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

CRIMINAL APPLICATION NO. 2997 OF 2015.

SHANKAR S/O VITTHAL DAHALE.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Govind G. Suryawanshi, Advocate for the Applicant.

Mr. V.H. Dighe, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 30th June, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail in connection with CR No.81/2014 registered with Police Station, Naigaon (Kh), District – Nanded for the offences punishable under Section/s 306, 498(A), 504 the Indian Penal Code.

[2] Heard Mr. Govind G. Suryawanshi, learned counsel for the Applicant and Mr. U.S. Mote, learned Additional Public Prosecutor for the State of Maharashtra.

[3] Applicant's marriage with Anusayabai was performed before 13 years back. On the basis of dying declaration of Anusayabai offence is registered with Police Station, Naigaon (Kh), District – Nanded. Dying declaration of Anusayabai was recorded on 19th

December, 2015 and on the very same day, she died. According to the dying declaration, present Applicant is habituated of consuming liquor, since last 5 to 6 years and he used to spent entire money of the deceased; and in case she objects, Applicant used to ill treat her.

[4] Her dying declaration further reveals that on 17th December, 2014 after attending the marriage ceremony, she returned at village Manjram that time, she noticed that lock of the trunk was break opened and the Applicant took away the entire money, which he spent for consumption of liquor. That, when she objected, upon that, present Applicant gave abuses to her. Dying declaration further states that thereafter she committed suicide by consuming poisonous substance.

[5] Investigation is over. Charge sheet is already filed in the court of law. The Applicant is in jail since 25th December, 2014. In view of the fact that, charge sheet is already filed, Applicant can be released on bail. That leads me to pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant - SHANKAR S/O VITTHAL DAHALE shall be released on regular bail on he executing P.R. Bond of Rs. 5,000/- [Rs. Five Thousand] with one solvent surety in the like amount, in connection with CR No.81/2014 registered with Police Station, Naigaon (Kh), District – Nanded for the offences punishable under Section/s 306, 498(A), 504 the Indian Penal Code.

(iii) Bail before trial court.

(iv) With this Criminal Application is allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)