

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

CRIMINAL APPLICATION NO. 3119 OF 2015

Jeejabai w/o Sambhaji Shelke & Anr. **APPLICANTS**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. S.R.Varma, Advocate for Applicants.

Mr. V.H.Dighe, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 15th JULY, 2015

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PER COURT :

1. This is an application for grant of anticipatory bail since the applicants are apprehending their arrest in connection with Crime No. 74/2015 registered with Ahmedpur police station, Ahmedpur, District Latur for the offences punishable u/s 309,306,323,504,506 read with 34 of the Indian Penal Code.

2. Heard Mr. S.R.Varma, learned counsel for the applicants and Mr. V.H.Dighe, learned A.P.P. for respondent – State.

3. F.I.R. is lodged on the basis of the dying declaration of deceased Maya. Her dying declaration discloses

that her marriage was performed with Anil Sambhaji Shelke prior to two years of the incident. Present applicants are mother-in-law and brother-in-law of deceased Maya. According to her dying declaration, her husband Anil gave good treatment to her for two months after their marriage and thereafter he started demanding Rs. 3,50,000/- and he used to beat her. Dying declaration further discloses that Anil gave beating and asked Maya to leave her matrimonial place. Due to the beating by Anil, deceased was required to be admitted in Ashwini hospital and after taking treatment, she was residing in her parental house. It further states that when she was residing at her parental house, Anil used to make phone call and demanded Rs. 3,50,000/-. On 05/04/2015, parents of Maya had been to Ahmedpur for marriage. That time, only deceased and her sister were present in her parental house. Dying declaration shows that due to the atrocities of her husband Anil, Maya committed suicide by putting her 'odhani' on the gas, due to which she has received burn injuries. In so far as the present applicants are concerned, there is passing reference at the end of the dying declaration that they also used to demand money.

4. From the dying declaration, it is crystal clear that the allegations are only against Anil. Maya committed suicide at her parental house. No role is ascribed against the present applicants in so far as the physical atrocities are concerned. In that view of the matter, it is the case wherein the discretion should be exercised in favour of the present applicants. That leads me to pass the following order.

- (i) Present Criminal Application is hereby allowed.
- (ii) In the event of arrest in connection with Crime No. 74/2015 registered with Ahmedpur police station, Ahmedpur, District Latur for the offences punishable u/s 309,306,323,504,506 read with 34 of the Indian Penal Code, applicant No. 1 Jeejabai w/o Sambhaji Shelke and applicant No. 2 Arwind s/o Sambhaji Shelke be released on anticipatory bail on they executing P.R. Bond of Rs. 5,000/- [Rupees Five Thousand] with one solvent surety of like amount by each of them.
- (iii) With these observations, Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]