

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3281 OF 2015
[Tukaram s/o Gulabrao Borade Vs The State of Maharashtra]

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri V.S.Badakh, advocate for applicant
Shri U.S.Mote, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.

DATED : 14th July, 2015

PER COURT :-

- 1] This is an application for bail.
- 2] Applicant is arrested, in connection with Crime No. 10 of 2015, registered with Police Station Ashti, District Beed, for the offences punishable under Sections 498-A, 307, 302, 304(B) r/w 34 of the Indian Penal Code.
- 3] I have heard Shri V.S.Badakh, learned counsel for applicant and Shri U.S.Mote, learned Additional Public Prosecutor for the respondent/State.
- 4] Investigating agency has completed its entire investigation and charge sheet is also filed.
- 5] Deceased is Aarti. Her marriage was performed with the present applicant on 17.8.2014. The date of the incident is 13.1.2015. The first information report is lodged on the basis of the written dying declaration of deceased Aarti. The date of death of Aarti is 24.1.2015. During the period, when

Aarti was admitted as an indoor patient at Civil Hospital, Ahmednagar, her three dying declarations are recorded. The first dying declaration is recorded on 13.1.2015. The said dying declaration is recorded by the Special Executive Magistrate. The second dying declaration is recorded on 18.1.2015 by the Police Officer. Her last dying declaration is also recorded by the Special Executive Magistrate on 19.1.2015.

The first dying declaration of Aarti shows that she received burn injuries due to accident; whereas in the second and third dying declarations she attributes the role against the present applicant and his mother, who is already released on bail. According to the second and third dying declarations the applicant poured kerosene and set her ablaze. Worth to note is that the second and third dying declarations are recorded after arrival of the brother and mother of Aarti.

6] The prosecution case rests only on the three dying declarations. Presently two versions are available on record in respect of the cause of receipt of the burn injuries by deceased Aarti. Investigation is over. The case of the prosecution is based only on three dying declarations. Looking to the fact that two different versions are available, it would be expedient in the interest of justice to release the applicant on bail during the trial. That leads me to pass the following order.

ORDER

- (I) Application is allowed.
- (ii) Applicant-Tukaram s/o Gulabrao Borade be released on bail, in connection with Crime No. 10 of 2015, registered

with Police Station Ashti, District Beed, for the offences punishable under Sections 498-A, 307, 302, 304(B) r/w 34 of the Indian Penal Code, on he executing P.R.bond of Rs.25,000/- with two solvent sureties in the like amount.

(iii) Bail before the trial court.

(iv) Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap3281.15