

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3287 OF 2015 IN
CRIMINAL APPEAL NO. 477 OF 2015

1. Anna Gorakh Marnar
Age : 26 years, Occu.: Shephard,
2. Jijabai Gorakh Marnar,
Age : 55 years, Occu.: Household,
3. Vasant Gorakh Marnar,
Age : 24 years, Occu.: Shephard,

All R/o. Ambapur, Tal. Sakri,
Dist. Dhule

.. Applicants

Vs.

The State of Maharashtra
Through Sakri Police Station,
Sakri, Tal. and Dist. Dhule

.. Respondent

Mr. N.N. Desale, Advocate for applicants
Mrs. B.B. Gunjal, A.P.P. for respondent-State

CORAM : M.T. JOSHI, J.
DATE : 20/07/2015

ORAL ORDER :

Heard both sides.

2. Perused the reasoning given in the impugned judgment and order dated 28/5/2015 passed by the learned

Assistant Sessions Judge, Dhule in Sessions Case No.56 of 2011.

3. The present applicant no.1-Anna Gorakh Marnar, who is husband of the deceased is sentenced to suffer rigorous imprisonment for 8 years and to pay fine of Rs.1,500/-, in default to suffer rigorous imprisonment for a period of three months for the offence punishable under section 306 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 3 years and to pay fine of Rs.1000/-, in default to suffer rigorous imprisonment for a period of two months for the offence punishable under section 498-A of the Indian Penal Code.

. Applicant no.2 - Jijabai Gorakh Marnar i.e. accused no.2 was awarded simple imprisonment for 3 months and to pay fine of Rs.500/-, in default to suffer simple imprisonment for a period of fifteen days for the offence punishable under section 306 of the I.P. Code and sentenced to suffer simple imprisonment for 1 month and to pay fine of Rs.200/-, in default to suffer simple imprisonment for a period of five days for the offence punishable under section 498-A of the I.P. Code.

. Applicant no.3 i.e. accused no.3 - Vasant Gorakh Marnar was awarded rigorous imprisonment for 3 years and to pay fine of Rs.1000/-, in default to suffer rigorous imprisonment for a period of two months for the offence punishable under section 306 of the I.P. Code and sentenced to suffer rigorous imprisonment for 1 year and to pay fine of Rs.500/-, in default to suffer rigorous imprisonment for a period of one month for the offence punishable under section 498-A of the I.P. Code.

4. The reading of the record would show that deceased Shobhabai alias Latabai (Vithabai) had married to the present applicant no.1 sometime in the month of December, 2003. She died by drowning in a well on 11/10/2010.

5. Mr. Desale submits that the death has thus occurred within 6 years and 10 months. He further submits that it was a case of death due to drowning in a well. Further, the present applicants were released on bail during the trial.

6. On the other hand, learned A.P.P. opposed the application. She submits that the applicant no.1 - Anna

Gorakh Marnar was sentenced to suffer rigorous imprisonment for 8 years for the offence punishable under section 306 of the I.P. Code and rigorous imprisonment for 3 years for the offence punishable under section 498-A r/w. 34 of the Indian Penal Code and applicant nos.2 and 3 were also sentenced for different terms in the said crime.

7. Considering all the facts on record, it is to be noted that the present applicants were on bail during trial, there are no complaints of misusing the liberty. Without adverting to the material on record at this stage, as argued by Mr. Desale, in the background of the case, all the applicants can be released on bail. Hence, the following order:-

8. The Application is allowed.

9. Substantive sentences awarded to the present applicants - appellants are hereby suspended.

10. Upon deposit of fine amount, each of the applicants be released on bail upon each of them executing P.R. bonds in the sum of Rs.30,000/- (Rs. Thirty Thousand) each and also upon furnishing surety

each in the like amount.

11. Criminal Application stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

arp/