

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

CRIMINAL APPLICATION NO. 3703 OF 2015.

ASHRUBA KARBHARI JAIBHAYE
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Rajendra G.Hange, Advocate for the Applicant.

Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 30th July, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail in connection with CR No.126/2014 registered with Shirur Kasar Police Station, District – Beed for the offences punishable under Section/s. 307, 323, 504 read with 34 of the Indian Penal Code.

[2] Heard Mr. Rajendra G.Hange, learned counsel for the Applicant and Mrs. Pratibha Bharad, learned Additional Public Prosecutor for the State.

[3] Investigating Agency has already completed the entire investigation and charge sheet is filed in the court of law. First Information Report is recorded on the basis of dying declaration of

Asha Asruba Jaibhay. Asha is survived. Asha is the wife of present Applicant. Marriage took place about 12 years ago. On the date of incident on 9th October, 2014 her previous two statements were recorded by the Police and the Special Executive Magistrate. If those statements are seen, it is clear that dispute arose between the husband and the wife and in the rage of anger, the Applicant has poured kerosene on her person and set her on fire, is the allegation in these two statements. She suffered 54% burn injuries.

[4] Present Applicant is in jail since 18th December, 2014. In view of fact that, there is no possibility of offence being converting into more graver one and charge sheet is already filed, further custodial presence of the Applicant is not warranted. That leads me to pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant - ASHRUBA KARBHARI JAIBHAYE shall be released on regular bail on he executing P.R. Bond of Rs. 25,000/- [Rs. Twenty Five Thousand.] with one solvent surety in the like amount, in connection with CR No. 126/2014 registered with Shirur Kasar Police Station, District – Beed for the offences punishable under Section/s. 307, 323, 504 read with 34 of the Indian Penal Code.

(iii) The Applicant shall not pressurize, in any manner what so ever to his wife – Asha.

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

(V.M. DESHPANDE, J.)