

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

CRIMINAL APPLICATION NO. 3888 OF 2015.

NIVRUTTI S/O RAMA BHANGARE.

VERSUS

THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Shivaji T.Shelke, Advocate for the Applicant.

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

CORAM : V.M. Deshpande, J.

DATE : 12th August, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail in connection with CR No.I 9/2015 registered with Police Station, Rajur, Taluka – Akole, District – Ahmednagar for the offences punishable under Section/s 302, 498(A) read with 34 of the Indian Penal Code.

[2] Heard Mr. S.T. Shelke, learned counsel for the Applicant and Mrs. Pratibha Bharad, learned Additional Public Prosecutor.

[3] Investigating Officer has already completed the investigation and filed the charge-sheet in the court of law. First Information Report is lodged by Dattu Rama Kirwe, who is the father of deceased Manda. Marriage of Manda took place with Santosh Bhangare in the month of May, 2014. Present Applicant is father-in-law of Manda. According to

the First Information Report on 18th March, 2015, Tukaram Bhiva Ghorpade informed the first informant that Manda is admitted in Civil Hospital, Nashik, due to burn injuries. On getting such information, first informant immediately rushed to the said Hospital. He noticed that, his daughter Manda has received extensive burn injuries. That time, he also noticed that mother-in-law of Manda by name Hausabai has also received the burn injuries.

[3] Though the first informant tried to have dialogue with Manda, due to extensive burn injuries, she was unable to speak anything however, according to the first informant, she was showing fingers towards her family members.

[4] Present Applicant is arrested on 21st March, 2015. During the course of investigation, the Investigating Officer has recorded the statement of Goraksha Bhaga Andhale, who is serving as Senior Clerk in the office of Upper Canal Project, (उर्ध्व प्रकल्प कालवा, संगमनेर) Sangamner, District – Ahmednagar. In the said office the present Applicant is working as labourer.

Goraksha is a independent person and have no concern with the family of the present Applicant. He has stated before the Investigating Officer that on 18th March, 2015 present Applicant was attending his duty and that time, at 1.00 clock he received call on his cell by which it was intimated to the present Applicant that his wife and daughter-in-law are seriously burn and, therefore, they are admitted in the hospital. Thereafter as per the statement of Goraksha, present Applicant has demanded money from the Goraksha to attend the

Hospital at Nashik. Accordingly, Goraksha has paid the amount to the present Applicant and he also helped him to board the S.T.Bus for reaching to Nashik.

[4] Further as per the supplementary statement of First Informant – Dattu he has stated that on the date of incident i.e. 18th March, 2015 present Applicant was not available in the house but he was attending his duty. With such evidence available in the charge sheet, further custodial presence of the present Applicant is not at all warranted and he deserves discretionary relief in his favour. That leads me to pass the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant - NIVRUTTI S/O RAMA BHANGARE shall be released on regular bail on he executing PR. Bond of Rs. 5,000/- [Rs. Five Thousand.] with one solvent surety in the like amount, in connection with CR No.I 9/2015 registered with Police Station, Rajur, Taluka – Akole, District – Ahmednagar for the offences punishable under Section/s 302, 498(A) read with 34 of 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.)