

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

CRIMINAL APPLICATION NO.4090 OF 2015

Pramila @ Pama Sanjay Sable ..APPLICANT

VERSUS

The State of Mah. & anr. ..RESPONDENTS

Mr R.K. Temkar, Advocate for applicant;
Mr S.R. Palnitkar, A.P.P. for respondent no.1

CORAM : N.W. SAMBRE, J.

DATE : 10th September, 2015

ORAL ORDER :

By the present application under section 438 of the Code of Criminal Procedure, the applicant seeks her release on bail, in the event of arrest in connection with C.R. No.I-135 of 2014, registered with Akole Police Station, for offence punishable under section 307 read with sec. 34 of the Indian Penal Code.

2. The main accused Shabir Hasan Shaikh is already arrested.
3. In the first information report, the role attributed to the present applicant is that she has poured kerosene on the body of Rukhsana and Shabir Hasan Shaikh, husband of Rukhsana, has set her on fire.
4. The Executive Magistrate has recorded dying declaration of Rukhsana on 8th December, 2014, wherein she has stated that after altercation with the present applicant, the applicant has poured kerosene

on her and then Rukhsana set herself on fire. On 11th December, 2014, Rukhsana issued communication to the Medical Officer, disclosing that she intends to give another dying declaration. In the dying declaration recorded on 24th December, 2014, Rukhsana has stated that there was a quarrel between herself and her husband and out of the said quarrel, she herself has set on fire.

5. From the above referred background, the story that is sought to be put forth by the complainant Rukhsana is varying, from time to time, which itself creates a strong doubt as regards involvement of the present applicant in the crime in question. Thus, the applicant is entitled to be released on bail. I, therefore, pass following order :-

In the event of arrest of the applicant, in connection with C.R.No.I-135 of 2014, registered with police station, Akole, for offence punishable under section 307 read with sec. 34 of the Indian Penal Code, she be released on bail, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

6. It is also reported that the charge-sheet in the matter is filed. In view thereof, the applicant to submit herself to the jurisdiction of Judicial Magistrate First Class, Akole, who is directed to order release of the present applicant on regular bail, keeping in mind the law laid down by the Apex Court, in the matter of **Siddharam Satlingappa Mhetre vs. State of Maharashtra & ors.**, reported in **(2011) 1 SCC 694**.

7. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj