

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

CRIMINAL APPLICATION NO.4430 OF 2015

Manik s/o LachmaMykale & anr.

..APPLICANTS

VERSUS

The State of Maharashtra

..RESPONDENT

Mr S.P. Deshmukh, Advocate holding for Mr D.B. Shinde, Advocate for applicants;

Mr S.R. Palnitkar, A.P.P. for respondent;

Mr A.D. Hande, Advocate to assist Addl. Public Prosecutor

CORAM : N.W. SAMBRE, J.

DATE : 10th September, 2015

ORAL ORDER :

By the present application under section 439 of the Code of Criminal Procedure, the applicants seek their release on bail, in connection with C.R. No.35 of 2015, registered with Police Station, Umri, District Nanded, for offences punishable under sections 307, 302 read with sec. 34 of the Indian Penal Code.

2. Applicant no.1 Manik is the father of main accused Kondiba and father-in-law of deceased Padminibai, whereas applicant no.2 Indrabai is the mother of accused Kondiba and mother-in-law of deceased Padminibai.

3. The allegations in the first information report are that the accused Kondiba, after pouring kerosene on Padminibai, has set her on fire.

4. The first information report has a reference to the witnesses Balaji and Parubai as eye-witnesses.

5. In the dying declaration recorded by learned Executive Magistrate on 23rd April, 2015, deceased Padminibai has specifically implicated her husband Kondiba and there is no mention of the names of the present applicants.

6. So far as the statements of Balaji and Parubai are concerned, same speak of hear-say story.

7. The investigation in the matter is complete and charge-sheet is already filed.

8. In view of above, in my opinion, it will be appropriate to release the applicants on bail. I, therefore, pass following order :-

The applicants, namely, (1) Manik s/o LachmaMykale and (2) Indrabai w/o ManikMykale, be released on bail, in connection with C.R. No.35 of 2015, registered with Police Station, Umri, District Nanded, for offences punishable under sections 307, 302 read with sec. 34 of the Indian Penal Code, on each of them furnishing P.R. Bond of Rs.10,000/- with one surety in the like amount.

(N.W. SAMBRE, J.)

amj