

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

CRIMINAL APPLICATION NO. 5631 OF 2015

1. Sidram s/o Bhsvanappa Jamadar,
Age: 67 years, Occ: Agri.,
R/o. Diggi, Tq. Omerga,
Dist. Osmanabad.
 2. Fulabai w/o Sidram Jamadar,
AGE: 67 years, Occ: Household,
R/o. Diggi, Tq. Omerga,
Dist. Osmanabad.
- ...Applicants

versus

The State of Maharashtra,
through Police Station, Omerga,
District-Osmanabad.

...Respondents

...

Mr. D.S. Mali, Advocate for the applicants
Mr. G.O. Wattamwar, Addl. Public Prosecutor for respondent

...

CORAM : N.W. SAMBRE, J.

DATE : 28th OCTOBER, 2015

ORAL ORDER :

Present applicants are seeking regular bail in Crime No. 109/2015 registered on 27/05/2015 at Omerga Police Station, District Osmanabad for the offence punishable under Section 302, 307 read with Section 34 of the Indian Penal Code, in view of death of Varsha, who was their daughter in law.

2. The main ground as is raised by learned Counsel for the applicants in the matter of grant of bail is, the investigation in the matter is over and the charge sheet is filed. According to him, applicant No.1 was instrumental in extinguishing the fire by pouring water, as the victim has voluntarily set herself on fire in view of differences with her husband on the issue of bringing money from her maternal uncle.

3. Having considered the rival submissions, it is noted that both the applicants and related persons and applicant No. 1 tried to extinguish the fire by pouring persons.

4. Though learned Additional Public Prosecutor would urge that there is *prima facie* evidence available against the applicants, however, it is required to be noted that applicant NO.1 has taken steps in extinguishing fire by pouring water. Apart from above, it is really hard to digest that the aged persons like applicants set the victim on fire in absence of past history of differences on the demand of dowry.

5. The investigation is completed and charge sheet is already filed.

6. In view of above, the application is allowed, particularly in view of provisions of Section 437 of the Code of Criminal Procedure.

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

The applicants be released on bail, upon executing the P.R. bond of Rs.10,000/- (Rs. Ten thousand) with one surety in the like amount by each of them, in connection with Crime No. 109/2015 registered at Omerga Police Station, District Osmanabad for the offence punishable under Section 302, 307 read with Section 34 of the Indian Penal Code.

8. The application stands allowed.

[N.W. SAMBRE, J.]