

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

CRIMINAL APPLICATION NO.6489 OF 2015

1. Birudev @ Biru s/o Vitthal
Sirgire, Age 40 years,
Occu. Agriculture,
R/o Kawalgaon, Taluka Degloor,
District Nanded

2. Sow. Sagarbai @ Gangasagar
w/o Birudev @ Biru Sirgire
Age 35 years, Occu. Housewife
R/o Kawalgaon, Taluka Degloor,
District Nanded

..Applicants

Versus

. The State of Maharashtra
through Police Inspector,
Police Station, Degloor,
District Nanded

..Respondent

Mr G.J. Karne, Advocate for applicants
Mr V.H. Dighe, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 22nd December 2015

PER COURT

Heard.

2. The applicants are seeking pre-arrest bail in Crime No.145 of 2015, registered on 5th October 2015 against the incident dated 1st October 2015, at Degloor Police Station, District Nanded, for the offences punishable under Sections 498-A, 307, 504, 506 read with sec.34 of Indian Penal Code.

3. Learned Counsel for the applicants submit that the applicants are falsely implicated in the crime in question.

4. Learned A.P.P. submits that in the dying declaration and the statements of the witnesses, the applicants are specifically named.

5. Having bestowed my thoughts to the submissions made, upon perusal of the contents of the F.I.R., it could be inferred that there is no specific role attributed to both the applicants. Applicant No.1 and applicant No. 2 are husband and wife and the applicant No.1 is the brother-in-law of victim.

6. In the above referred background, in my opinion, false implication of the applicants in the crime in question cannot be ruled out. Even, the dying declaration does not attribute any specific role to the applicants. As such, applicants are entitled for bail.

7. In the event of their arrest in Crime No. 145 of 2015 registered on 5th October 2015 registered at Degloor Police Station, District Nanded, for the offences punishable under Sections 498-A, 307, 504, 506 read with sec.34 of Indian Penal Code, both the applicants be released on bail, upon furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty-five thousand) with one surety, by each of them.

8. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

vvr