

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 7111 OF 2014

Ramesh Kashinath Ugale and Anr.**Applicants.**

Versus

The State of Maharashtra**Respondent.**

Mr. S.T. Shelke, Advocate for applicants.

Mrs. M.A. Deshpande, APP for State.

CORAM : T.V. NALAWADE, J.
DATED : 9th January, 2015.

ORDER :

1. The application is filed for bail. Both the sides are heard. This Court has perused the papers of investigation.

2. Chargesheet is filed for the offence punishable under sections 302 r/w. 34 of I.P.C. against both the applicants. The crime was registered on the basis of dying declaration of deceased Smt. Sarita, who was the wife of applicant No. 1 and applicant No. 2 is the second wife of applicant No. 1. Deceased has disclosed in dying declaration dated 23.8.2014 that in one incident dated 21.8.2014 present applicant No. 1 poured kerosene on the person of deceased and applicant No. 2 set her

on fire. She succumbed to the burn injuries in the hospital where the statement, dying declaration, was recorded. There is endorsement of the doctor that the patient was conscious and fit to give statement at the relevant. There are statements of sons of the deceased like Amit and Sumit. Sumit was present on the spot at the relevant time and after hearing hue and cry, he went on the spot. He saw that both the applicants were present on the spot indicating that they had done the act.

3. The learned counsel for the applicants submitted that applicant No. 1 was present at the place of service and there is such C.C. T.V. footage available at the office of his employment. He submitted that the other son Amit has given a representation to police that Sumit was not present on the spot at the relevant time. These submissions cannot be considered at this stage. Police have recorded the statements of Amit and Sumit and they are consistent with the case of prosecution and in view of the aforesaid record and circumstances and as the witnesses are from the same house, there is possibility of tampering with the prosecution witnesses. This Court holds that it is not a fit case to grant bail. So, the application is rejected.

4. The trial Court is expected to expedite the matter

and in any case within five months from the date of receipt of this order. Liberty to move this Court after five months is granted.

[T.V. NALAWADE, J.]

ssc/