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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 817 of 2015

IN

CRIMINAL APPEAL No. 689 of 2015

Nathuram Shankar Bhakare and Anr ..Applicants.

Versus

The State of Maharashtra ..Respondent.

Mr Prashant Jadhav, Advocate for the Applicants.

Mrs Anamika Malhotra, APP for the State.

CORAM : A.R.JOSHI,J

DATE : 20th August,2015.

PC. :

- 1) Heard rival submissions on this application for bail and for suspension of sentence during pendency of the appeal.
- 2) Both the applicants original accused nos. 1 and 2 were convicted for the offence under section 306 read with section 34 of IPC and sentenced to suffer rigorous imprisonment (RI) for five years each and to pay a fine of Rs.3000/- each, in default RI for three months.
- 3) The case of the prosecution in nut-shell is that accused

no.1 was the husband of the victim woman who committed suicide by setting herself on fire due to the illicit relations between herself and accused no.2. During the trial, both the applicants were on bail. It is a factual position that both the brothers of the victim woman did not support the case of the prosecution and they expressed their ignorance as to for what purpose their sister ended her life by setting her on fire. There are two dying declarations one recorded by the police and one recorded by the Special Executive Magistrate in which the victim woman had alleged the incident happened one day prior to the burning and setting her on fire. According to her, accused no.2 and her sister, original accused no.3 had been to her house and gave threats to break marriage relation with her husband i.e. accused no.1. Apparently, victim woman got frightened and on the next day set herself on fire. She was rescued by neighbours and admitted in the hospital for 86% burn injuries. She succumbed to the injuries on the next day. Considering the effect of the substantive evidence of the prosecution witnesses and mainly of the brothers of the victim woman and considering

that the applicants were on bail during pendency of the trial, in the opinion of this Court, the present application can be allowed as it would take much time for expeditious disposal of the appeal and there are prospects for the appellants in the present appeal. As such present application is allowed with following order:

ORDER.

Both the applicants/appellants be released on same bail as granted by the trial Court with fresh bonds to be executed before the trial Court. Application is accordingly disposed of.

(A.R.JOSHI, J.)