

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1071 OF 2015

Balasaheb Dattatraya Dherenge	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. P.G. Sarda i/b. Ms. Aparna Rajesh Mane, Advocate for the applicant.
Mr. J.H. Ramugade, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JULY 13, 2015**

P.C.:

This Application is moved for bail, as the applicant/accused along with his brother and father are facing charges under sections 302, 498A, 504 r/w. 34 of the Indian Penal Code in C.R. No. 273 of 2013 registered with Manchar Police Station. The offence is registered at the instance of deceased Varsha Dnyaneshwar Dherenge.

2. Varsha got married to co-accused Dnyaneshwar Dherenge on 22nd May, 2003, i.e. nearly 10 years back prior to the incident. She had begotten two children from her husband. The applicant/accused and co-accused were addicted to liquor and they use to fight with Varsha on small issues. On 18th November, 2013 in the morning when she was cooking, her husband, father-in-law and brother-in-law started quarreling with her. Thereafter her father-in-law and husband poured kerosene on her person. The applicant/accused caught hold of Varsha and father-in-law ignited

matchstick and set her on her. She suffered 80% burn injuries. After 2 to 3 days she succumbed to injuries. In between, she gave three dying declarations, pursuant to which the applicant/accused was arrested on 22nd November, 2013. Hence, this Bail Application.

3. The learned counsel for the applicant/accused relied on the order dated 3rd February, 2015 passed by this Court granting bail to Dattatrya Jaisingh Dherenge in Bail Application No. 2274 of 2014. The learned counsel submitted that the role attributed to the applicant/accused is of lesser degree than that of Dattatrya Dherenge. Therefore, the applicant be released on bail.

4. Learned APP opposed the Bail Application and submitted that due to old age, Dattatrya Dherenge was released on bail.

5. Perused the FIR, dying declarations and the order passed by my Sister Judge on 3rd February, 2015 in Bail Application No. 2274 of 2014. While releasing Dattatrya Jaisingh Dherenge on bail, this Court has taken into account three dying declarations and the applicant/accused and co-accused are exonerated in two dying declarations. The Court also considered the old age of Dattatrya Dherenge, who is 72 years. The applicant/accused is 49 years old, however, the role attributed to him is that he quarreled with deceased Varsha and when Dattatray and her husband poured kerosene on her, he held her but Dattatray ignited the

matchstick and set her on fire. In view of parity, I am inclined to grant bail to the applicant/accused on the following terms and conditions:

ORDER

- i) Application is allowed.
 - ii) The applicant shall be released on bail upon furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
 - iii) The applicant shall not tamper with the evidence;
 - iv) The applicant shall make himself available and attend all Court dates;
 - (v) The applicant shall not abscond and furnish his address to the police along with address proof.
 - (vi) Violation of any of the conditions imposed shall amount to cancellation of bail forthwith.
 - (vii) The applicant shall not leave India without the prior permission of the Court.
6. The Application stands disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)