

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

Criminal Application (BA) No. 399 of 2015

(Maksudan S/o Mohan Yadav Vs. State of Maharashtra through PSO, P.S.
Kalmana)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Shri A. K. Bhangde, Advocate for applicant
Mrs. K. R. Deshpande, APP for the State/non-applicant

CORAM : P. B. VARALE, J.

DATE : 10-8-2015.

Heard Shri Bhangde, learned counsel for the applicant.

The applicant is before this Court seeking his enlargement on bail in connection with Crime No. 331/2013 registered at Kalmana Police Station, Nagpur for the offences initially under Section 307 read with 34 of the Indian Penal Code and subsequently altered to 302 read with Section 34 of the Indian Penal Code.

The allegation against the present applicant reflected in statement of victim is the applicant who is father-in-law and the other accused who is mother-in-law were continuously ill-treating the victim Ganga Yadav on allegations that the victim was having some illicit relations. On the fateful day i.e. on 30-12-2013, the applicant and the other accused picked up the quarrel with the victim and asked the victim to get out of the house. The applicant poured kerosene on the victim whereas the other

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accused mother-in-law set the victim on fire. The applicant was arrested on the very same day i.e. on 30-12-2013. Learned counsel Shri Bhangde for the applicant submits that the investigation is complete and charge-sheet is filed. He further submits that the other accused, who set the victim on fire, enlarged on bail by this Court by order dated 8-5-2015. He further submits that the applicant is in his advance age and is a permanent resident of area, namely, Shivnagar, Nagpur and earns his livelihood by doing labour work. He submits that there are no criminal antecedents against the applicant to discredit him. He further submits that considering the age of the applicant and his usual place of residence, there cannot be any apprehension that the applicant would flee away. He further submits that the applicant is behind bars for last one and half years and considering the fact that sufficient time will take for conclusion of the trial, keeping the applicant behind the bars for further indefinite period would not be justified.

Learned APP opposes the application. She submits that the applicant and the other accused who are father-in-law and mother-in-law of the victim levelled serious allegations against the victim and set the victim on fire. She submits that the burn injuries to the victim were nearly 99%.

Considering the submissions of learned counsel for the applicant that the necessary material is collected by the investigating agency and

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investigation is concluded and charge-sheet is filed, the applicant is behind the bars for more than one and half years and having no criminal antecedents to discredit him, in my opinion, the learned counsel for the applicant has made out the case. The apprehension of the State can be taken care of by imposing conditions on the applicant. In the result, the criminal application is allowed.

The applicant be released on bail on furnishing P.R. bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount, on the following conditions.

a] The applicant to cooperate with the investigating agency and to attend the Kalmana Police Station, Nagpur on first and third Sunday of every month between 9.00 a.m. to 12.00 noon, till conclusion of the trial and as and when called by the investigating agency. The applicant to maintain diary of his attendance duly countersigned by the Police Station Officer.

b] The applicant shall not tamper with the prosecution evidence nor commit any act such as contacting the prosecution witnesses or pressurize them.

In case of breach of these conditions, the prosecution agency to take necessary steps in accordance with the provisions of law.

JUDGE

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