

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

CRIMINAL APPLICATION NO.238 OF 2016

1. Vithal s/o Praji Shirgire,
Age 71 years, Occu.Agri.,
2. Ratanbai w/o Vithal Shirgire,
Age 65 years, Occu. Household

Both r/o Kavalgaon, Taluka
Degloor, District Nanded

..Applicants

Versus

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

..Respondent

Mr G.J. Karne, Advocate for applicants
Mr K.D. Mundhe, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 28th January 2016

PER COURT

Heard.

2. The applicants, who are aged about 71 and 65 years respectively are seeking pre-arrest bail in Crime No.145/2015, 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.

3. The prosecution story is, the complainant Mahananda was set on fire by the present applicants by pouring kerosene and lighting matchstick.

4. The application is opposed by learned A.P.P. on the ground that there is direct evidence connecting the applicants to the crime in question.
5. Perused the investigation papers. The victim Mahananda has specifically named the present applicants in F.I.R., however, has not attributed any role to her husband, Sanjay. Sanjay, in his statement has in clear terms stated about the conduct of the complainant Mahananda of setting herself on fire by her own. There are other independent witnesses to support the version of Sanjay.
6. In my opinion, there is hardly any material on record to connect the applicant to the crime in question.
7. Provision of Section 437 of the Code of Criminal Procedure is also required to be invoked in view of ages of present applicants.
8. In view thereof, Criminal Application stands allowed.
9. In the event of arrest in Crime No.145/2015, 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, the applicants be released on bail, upon furnishing P.R. Bond of Rs.10,000/- with one surety in the like amount, by each of them.
10. The applicants shall attend the concerned Police Station, as and when called for.

(N.W. SAMBRE, J.)