

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

CRIMINAL APPLICATION NO. 698 OF 2016

Dashrath Baburao Birajdar,
Age: 30 years, Occu: Labour,
R/o. Dudhamal, Tq. Omarga,
Dist. Osmanabad.

...Applicant

versus

The State of Maharashtra
Police Station Omarga,
Taluka Omerga, Dist. Osmanabad
Through Investigating Officer.

...Respondent

.....
Mr. P. V. Barde, Advocate for applicant
Mr. A. S. Shinde, A.P.P. for respondent/State
.....

CORAM : N.W. SAMBRE, J.

DATE : 16th FEBRUARY, 2016

ORAL ORDER :

The applicant is seeking regular bail in Crime No. 105 of 2015 registered with Omerga Police Station, District Osmanabad for the offence punishable under Sections 302, 498A read with Section 34 of Indian Penal Code.

2. The prosecution case against the applicant is that the applicant herein was married to victim Mira some three years back and under the influence of liquor, he set her ablaze on 07/05/2015.

3. While trying to make out the case for grant of bail, Mr. Barde, learned Counsel for the applicant would urge that the investigation in the matter is complete and charge sheet is already filed. He would then submit that further detention of the applicant is not necessary as nothing is liable to be recovered from the applicant. The second submission is that both the dying declarations which formed part and parcel of the charge sheet are contradictory and liable to be rejected by this Court.

4. Upon perusal of both the dying declarations, it is noted that there are consistencies qua role attributed to the present applicant. The legality and validity of the dying declarations, in my opinion, to the extent of what has been sought to be canvassed by learned Counsel for the applicant by pointing out minute contradictions cannot be gone into at this stage. There is enough material on record to connect the present applicant to the crime in question. which is based on seizure.

5. As such, the application fails, stands rejected.

[N.W. SAMBRE, J.]