

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

CRIMINAL APPLICATION NO. 815 OF 2016

1. Yeduba Ashruba Khetre,
Age: 58 years, Occu: Agri.,
 2. Rukhmanbai W/o Yeduba Khetre,
Age: 54 years, Occu: Household,

Both R/o Nimkheda, Tq. Phulambri,
Dist. Aurangabad
- ...Applicants
- versus
- The State of Maharashtra
- ...Respondent

.....
Mr. G. G. Suryawanshi, Advocate for applicants
Mr. A. S. Shinde, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 25th FEBRUARY, 2016

ORAL ORDER :

The applicant are seeking regular bail in Crime No. 89 of 2015 registered with Wadodbazar Police Station, Tq. Phulambri, District Aurangabad for the offence punishable under Sections 302, 498A, 504 read with Section 34 of Indian Penal Code.

2. The prosecution case against the applicants is that the applicant Nos. 1 and 2 are father-in-law and mother-in-law of deceased Rekha who was married to Ravi, son of applicants. Deceased Rekha was blessed with two children, one is of aged 4

years and another is of two months. In the dying declaration, deceased Rekha has narrated that the present applicants have caught hold her hands and legs and her husband i.e. son of applicants poured kerosene and set her on fire.

3. While trying to make out a case for grant of regular bail, learned Counsel would urge that, age of the applicants is 58 and 54 respectively. Apart from above, the story as is narrated is improbable. He would submit that if the allegations against the applicants are accepted to be true, then definitely deceased Rekha would have resisted the attempt of the applicants of controlling her movements.

4. He would then urge that absence of criminal antecedents and the fact that investigation in the matter is complete, it will be appropriate in the interest of justice that the applicants be ordered to be released on bail.

5. Learned A. P. P. opposed the application for grant of bail on the ground that, there is dying declaration and story narrated in the F. I. R. and dying declaration appears to be consistent. There is specific role attributed to the applicants in the crime in question, as such prayed for rejection of the bail.

6. It is required to be noted that the story narrated against them attributing certain acts appears to be prima facie improbable. In my opinion, having regard to the fact that the applicants are father-in-law and mother-in-law of deceased Rekha and the investigation in the matter is complete, it will be appropriate to order the release of the applicants on bail. Hence, I pass following order:

The applicants be released on bail in connection with Crime No. 89 of 2015 registered with Wadodbazar Police Station, Tq. Phulambri, District Aurangabad for the offence punishable under Sections 302, 498A, 504 read with Section 34 of Indian Penal Code, upon furnishing P.R. bond of Rs.15,000/- with one surety in the like amount by each of them.

7. The application stands allowed in above terms.

[N.W. SAMBRE, J.]