

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 980 OF 2016

1. Jijabai w/o Kachru Nikam,
Age : 70 years, Occu. Household,
R/o Sai Nagar, Pawan Nagar,
Ranjangaon Shenpunji, Taluka
Gangapur, District Aurangabad
2. Kachru s/o Sukhaji Nikam,
Age : 75 years, Occu. Agri.,
R/o Sainagar, Pawan Nagar,
Ranjangaon Shenpunji, Taluka
Gangapur, District Aurangabad
3. Ujawala w/o Sanjay Ambhore,
Age : 30 years, Occu. Service,
R/o as above

APPLICANTS

VERSUS

The State of Maharashtra,
through M.I.D.C. Waluj
Police Station, Aurangabad

RESPONDENT

Mr. Murlidhar S. Karad, Advocate for the applicants
Mr. A.S. Shinde, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.
DATE : 31/03/2016

ORAL ORDER :

1. Heard both sides.
2. The present applicants, who are arrested by

MIDC Waluj Police Station, District Aurangabad in Crime No. 425/2015, registered for the offences punishable under section 302, 307, 504 read with section 34 of the Indian Penal Code, are praying for their release on bail.

3. The dying declaration of deceased Vandana would show that over the trivial issue between the neighbours, the present applicants i.e. the neighbours had set her on fire. While applicant No. 1 Jijabai brought the bottle of kerosene, applicant No. 3 Ujawala caught her hand and accused No. 2 Kachru helped them and ultimately accused No. 1 Jijabai set her on fire.

. In the circumstances, the offence came to be registered. Upon death of the deceased later on the offence punishable under section 302 of the I.P. code is added.

4. Learned counsel for the applicants points towards the statements of other neighbours like Sunita Narwade, etc., which would show that upon seeing the fire, when they immediately came out of their houses, they saw the present applicants only standing at a

distance in a lane.

. The learned counsel for the applicants further submitted that the applicant No. 1 Jijabai and applicant No. 3 Ujawala are women. Applicant No. 1 is old aged woman as can be seen from the true copies of the Aadhar cards filed at Exhibit-D (page-66). Further applicant No. 2 Kachru is also an old aged person. Learned counsel submitted that the applicants be released on bail.

5. Learned A.P.P. on the other hand opposed the application.

6. This court, vide order dated 11th March, 2016, has also noted that the admission papers of the deceased in the Government Hospital, Aurangabad were not collected by the investigating officer to find out the history which was immediately given to the Medical Officer. Accordingly, the learned A.P.P. has called for those papers and those papers, according to him, would show that no history was given to the Medical Officer at the time of admission of the deceased in the hospital.

7. Considering all the facts on record and finding that the applicants No. 1 and 3 are women out of whom the applicant No. 1 – Jijabai is old aged woman and applicant No. 2 is also old aged person and that the trial may take its own time, the applicants deserve to be released on bail, on certain conditions. Hence, the following order.

8. Applicant No. 1 – Jijabai w/o Kachru Nikam, applicant No. 2 Kachru s/o Sukhaji Nikam and applicant No. 3 Ujawala w/o Sanjay Ambhore be released on bail in Crime No. 425/2015, registered with MIDC Waluj Police Station, District Aurangabad, for the offences punishable under section 302, 307, 504 read with section 34 of the Indian Penal Code, on each of them executing P.R. bond in the sum of Rs. 15,000/- (rupees fifteen thousand) each and also upon furnishing surety each in the like amount.

9. The applicant No. 1 Jijabai and applicant No. 2 Kachru shall not enter the territorial limits of village Waluj, including MIDC Waluj area, for a period of two years or till the trial is concluded, whichever occurs

earlier.

10. The present application is accordingly allowed and disposed of.

[M.T. JOSHI]
JUDGE

npj/criapln980-2016