

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1030 OF 2016
(Vijubai Manohar Kolhe Vs. The State of Maharashtra)
AND
CRIMINAL APPLICATION NO. 1031 OF 2016
(Chaitali Kishor Kolhe Vs. The State of Maharashtra)

Mr. Anant R. Devakate, Advocate for the applicants
Mr. U.S. Mote, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.
DATE : 08/03/2016

ORAL ORDER :

1. Heard.
2. Both the present applicants, who are arrested by Jamkhed Police Station, Taluka Jamkhed, District Ahmednagar in Crime No. I-181/2015, registered for the offences punishable under section 302, 307 read with section 34 of the Indian Penal Code, are praying for their release on bail.
3. Upon hearing, learned counsel for the applicants submits that so far as criminal application No. 1031/2016 is concerned, the applicant therein has instructed him to withdraw the said criminal application

with liberty to file similar application in the sessions court after the chargesheet is filed.

4. The dying declaration of deceased Sangita would show that on 12th December, 2015, while applicant Chaitali (in Cri. Application No. 1031/2016) had set her on fire over the previous quarrel, applicant Vijubai (in Cri. Application No. 1030/2016) had abetted the commission of the said offence by asking Chaitali to set her on fire.

5. Learned counsel for the applicants submits that in fact, false allegations are made. He further submitted that applicant Vijubai is 66 years old woman, suffering from illness. Therefore, considering the allegations of abetment made against applicant Vijubai, she be released on bail.

6. Learned A.P.P. opposed the plea made on behalf of applicant Vijubai. He submitted that the dying declaration of deceased Sangita would clearly show that the present applicant Vijubai had abetted the commission of the offence.

7. Considering all the material on record and finding that the present applicant Vijubai is an old aged woman, she deserves to be released on bail. Hence, the following order.

8. Criminal Application No. 1031/2016 is allowed to be withdrawn and disposed of, with liberty to the applicant therein to file similar application in the sessions court after the chargesheet is filed.

9. Applicant – Vijubai w/o Manohar Kolhe in Criminal Application No. 1030/2016 be released on bail in Crime No. I-181/2015, registered with Jamkhed Police Station, District Ahmednagar for the offences punishable under section 302 and 307 read with section 34 of the I.P. Code, on her executing P.R. bond in the sum of Rs. 20,000/- (rupees twenty thousand) and also upon furnishing surety in the like amount.

. Criminal Application No. 1030/2016 is accordingly allowed and disposed of.

[M.T. JOSHI]
JUDGE