

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

CRIMINAL APPLICATION NO.1173 OF 2016

Kacharusingh s/o Chudamal Jarwal,
Age 56 years, Occu. Agri.,
R/o Sanjarpurwadi, Taluka Vaijapur,
District Aurangabad

..Applicant

Versus

The State of Maharashtra
through Police Inspector,
Shiur Police Station, Taluka Vaijapur,
District Aurangabad

..Respondent

Mr L.V. Sangeet, Advocate for applicant
Mr U.S. Mote, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 4th March 2016

PER COURT

Heard.

2. After filing the charge-sheet, upon investigation carried out in Crime No.135 of 2015, registered at Shiur Police Station for the offences punishable under Section 302 read with Sec.34 of Indian Penal Code, the present applicant, father-in-law of victim namely Vandana is seeking regular bail.

3. The prosecution case against the present applicant is that the applicant's son namely Dhanraj Jarwal was married to Vandana, the sister of complainant, Pratap. In the F.I.R. it is claimed that Vandana was subjected to cruelty, as she was not blessed with male child.

4. It is then contended by the complainant in F.I.R. that he received information on mobile that somebody was burning and upon enquiry, it was noticed by him that his sister is set on fire.

5. Pursuant to the incident, offence in question was initially registered punishable under Section 307 of Indian Penal Code. The incident took place on 26th October 2015 in which the complainant has named her husband namely Dhanraj responsible for setting her on fire. The same story was reiterated by her in second dying declaration, recorded on 27th October 2015.

6. On 27th October 2015, in another dying declaration, she stated that present applicant, her father-in-law has poured kerosene/diesel and her husband has set her on fire.

7. In the above background, Mr Sangeet, learned Counsel for the applicant would urge that even if the dying declarations, are taken to be true, the first two dying declarations do not name the applicant, whereas in third dying declaration, the role attributed to him is pouring kerosene and her husband, son of the applicant namely Dhanraj setting her on fire. He would then urge that there are no criminal antecedents and the investigation in the matter is complete and charge-sheet is already filed.

8. Learned A.P.P. opposed the application on the ground that the applicant is named in one of the dying declarations. He would then

has invited attention of this Court to the statements of the relatives of victim Vandana, who have stated that the victim had narrated them about involvement of the applicant in crime in question.

9. In my opinion, in view of the fact that first two dying declarations do not attribute any role to the applicant, coupled with the fact that there is no direct evidence on record to connect the applicant to the crime in question, but for reference in third dying declaration to the extent of pouring kerosene, applicant's involvement in commission of crime in question appears to be doubtful. In view of above, the applicant deserves to be released on bail.

11. As such, Criminal Application stands allowed. Applicant be released on bail in Crime No.135 of 2015, registered at Shiur Police Station for the offences punishable under Section 302 read with Sec.34 of Indian Penal Code, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

(N.W. SAMBRE, J.)

vvr