

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1402 OF 2016

1. Sarang s/o Pandit Sanap,
Age : 35 years, Occu. Agri.
2. Radhabai w/o Sarang Sanap,
Age : 32 years, Occu. Household
3. Suryakanta w/o Pandit Sanap,
Age : 63 years, Occu. Household

All are r/o Anjanwadi, Taluka
Aundha (Nagnath), Dist. Hingoli

APPLICANTS

VERSUS

The State of Maharashtra,
through Police Station Hatta,
District Hingoli

RESPONDENT

Mr. S.J. Salunke, Advocate for the applicants
Mr. A.R. Borulkar, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 20/04/2016

ORAL ORDER :

1. Heard both sides.
2. The present applicants who are apprehending their arrest at the hands of Hatta Police Station, District Hingoli, in Crime No. 8/2016, registered for the offences punishable under section 307, 452, 294, 504, 506 read with section 34 of the Indian Penal Code,

are praying for their release on bail in the event of their arrest.

3. The prosecution papers would show that while the incident has occurred on 15th December, 2015 and the victim of the offence namely, Laxmibai was taken to the Civil Hospital, Nanded upon receiving burn injuries, no history was recorded by the Medical Officer and the victim was shifted to private hospital i.e Aadhar Hospital, Nanded.

4. Though the incident has occurred on 15th December, 2015, her statement was recorded by the Special Judicial Magistrate on 11th January, 2016 wherein she alleged that the present applicants being the neighbours, had, over a previous dispute, set her on fire. Therefore, the offence came to be registered.

5. Mr. S.J. Salunke, learned counsel for the applicants, submitted that in fact, after a deliberation due to previous enmity, the present applicants are involved in the offence. The prosecution case itself is that the victim was very well conscious since the incident till her statement was recorded after a gap of

about 26 days.

6. Learned A.P.P. opposed the application. He submitted that the statement of the victim would prima facie show that the present applicants have attempted to cause the death of the victim.

7. Considering all the material on record and taking into consideration the fact that no history was given to the Medical Officer when admittedly she was immediately admitted to the Civil Hospital, Nanded and after 26 days, the statement of the victim was recorded, in my view, the custodial interrogation of the present applicants is not required. Hence, the following order:-

8. The interim protection granted by this Court to the present three applicants vide order dated 4th March, 2016 is hereby made absolute on the same terms and conditions.

. The present application is accordingly allowed and disposed of.

[M.T. JOSHI]

JUDGE

npj/criapln1402-2016