

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

CRIMINAL APPLICATION NO. 1660 OF 2016

Dilip Vasudeo Ware and anr.

...Applicant

VERSUS

The State of Maharashtra

...Respondent

.....
Shri Joydeep Chatterjee, advocate for applicants
Shri M.B.Bharaswadkar, A.P.P. for respondent/State
.....

CORAM : INDIRA K.JAIN, J.

DATED : 5th May, 2016

ORDER :

This is an application for regular bail in Crime No. I-350 of 2015, registered at Pathardi police station, District Ahmednagar for the offences punishable under Sections 302, 498A, 323, 504, 506 r/w 34 of the Indian Penal Code.

2] Heard Shri Joydeep Chatterjee, learned counsel for applicants and Shri M.B.Bharaswadkar, learned A.P.P. for State. Perused case papers.

3] It is the case of prosecution that Sharda daughter of complainant was married to applicant no.1 Dipak on 14.8.2008. The couple was blessed with two children. It is alleged that applicants were illtreating the deceased on demand of Rs.One Lac as they were to get released their mortgaged land. Since deceased could not fulfill demand applicant/accused continued illtreatment to her. On

29.10.2015 between 6.30 and 7.00 p.m. accused poured kerosene on the person of Sharda and set her on fire. She sustained 66 per cent burns. She was admitted to hospital at Ahmednagar and during treatment she succumbed to injuries on 1.11.2015 at 2315 hours. On 2.11.2015 mother of victim lodged report, on the basis of which above said crime came to be registered.

4] On perusal of case papers it appears that statements of Mukta and Ranjana came to be recorded on 3.11.2015. They are witnesses on oral dying declarations. It can be seen from the letter dated 4.11.2015 by the Executive Magistrate to Police Inspector, Kotwali police station, Ahmednagar that Executive Magistrate had been to record statement of Sharda but she was not in a position to give her statement and so statement of victim could not be recorded.

5] Applicants were arrested on 21.11.2015 and since then they are in custody. Prosecution case is based only on oral dying declaration. In this premise, this Court is inclined to enlarge applicants on bail. Hence the following order.

ORDER

(i) Criminal Application No. 1660 of 2016 is allowed.

(ii) Applicants are released on bail on P.B. and S.B. of Rs.15,000/- each.

(iii) Applicants shall not tamper with prosecution

evidence and shall make themselves available as and when required.

(iv) Bail before the Trial Court.

[INDIRA K.JAIN, J.]

dbm/crap1660.16