

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

CRIMINAL APPLICATION NO.2364 OF 2016

Chaitali w/o Kishor Kolhe,
Age: 32 years, Occ: Household,
R/o. Kolhewadi, Tal. Jamkhed,
Dist. Ahmednagar.

...Applicant

versus

The State of Maharashtra
through the Police Station Officer,
Police Station, Jamkhed,
District Ahmednagar.

...Respondent

.....
Mr. A.R. Devkate, Advocate for applicant
Mr. S.D. Ghayal, A.P.P. for respondent
Mr. V.D. Sapkal, Advocate for Police Officers
.....

CORAM : N.W. SAMBRE, J.

DATE : 30th JUNE, 2016

ORAL ORDER :

The applicant is seeking regular bail in Crime No. I-181 of 2015 registered with Jamkhed Police Station, Taluka Jamkhed, District Ahmednagar, for an offence punishable under Section 302, 307 read with Section 34 of the Indian Penal Code.

2. The applicant was arrested on 15/01/2016. The charge sheet in the matter is already filed. The charge sheet depicts that there were two dying declarations and direct piece of evidence are available against the applicant.

3. Subsequent thereto, the Investigating Officer has conducted further investigation and submitted supplementary charge sheet. The eye witness to the incident namely Madhukar Sakharam Kolhe has stated that present applicant is not responsible for the offence in question, as deceased herself has set her on fire. The said witness has tried to extinguish the fire and also suffered burn injuries, as is apparent from the investigation papers.

4. In view of above, *prima facie*, there is serious doubt about involvement of the applicant in the crime in question, particularly in the light of supplementary charge sheet as is filed.

5. In view of above, in my opinion, the applicant is required to be released forthwith. Hence, following order:-

(i) The applicant be released on bail, in connection with Crime No. I-181 of 2015 registered with Jamkhed Police Station, Taluka Jamkhed, District Ahmednagar, for an offence punishable under Section 302, 307 read with Section 34 of the Indian Penal Code, upon furnishing P.R. bond of Rs.10,000/- with one surety in the like amount.

(ii) The applicant shall attend the trial regularly before trial Court.

6. Balkrishna Hanpude Patil, Police Inspector posted on the Special Branch, Ahmednagar, Investigating Officer A.P.I. Rajendra Ingale and Police Naik Dinkar Chavan have tendered affidavits pursuant to show cause notices vide order dated 20/06/2016. One of them tried to justify the alleged default as is noticed and tendered unconditional apology before this Court. Remorse and repentance is noticed by this Court on the part of aforesaid police officers. In view thereof, apology is accepted and they are discharged from the said show cause notice.

7. The Superintendent of Police, Ahmednagar is at liberty to relieve the Investigating Officer, in view of above observations.

8. The application stands allowed in above terms.

[N.W. SAMBRE, J.]