

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2860 OF 2016

IN

CRIMINAL APPEAL NO.340 OF 2016

Raosaheb Eknath Doiphode,
Age-27 years, Occu:Labourer,
R/o-Dhangarwadi,
Tq-Newasa, Dist-Ahmednagar

**...APPLICANT
(Ori. Accused)**

VERSUS

State of Maharashtra,
Through A.P.I. Sonai,
Tq-Newasa, Dist-Ahmednagar.

...RESPONDENT

...

Mr. Nikhil P. Ghanwat Advocate for Applicant.
Mr. K.S. Hoke Patil, A.P.P. for Respondent.

...

CORAM: A.I.S. CHEEMA, J.

DATE : 1ST AUGUST, 2016

ORDER :

1. Heard learned counsel for the Applicant and
learned A.P.P. for State.

2. The Applicant - accused has been convicted for offence punishable under Section 306 of the Indian Penal Code, 1860. His other family members tried together, have been acquitted. It is stated that there were two dying declarations at Exhibits 26 and 42 implicating the husband and mother-in-law and it was claimed that because the husband beat the victim, she burnt herself. Then there is another dying declaration Exhibit 36, which claims that the brother-in-law poured kerosene on her person and husband put victim to fire.

3. Learned counsel for the Applicant states that the Applicant was on bail during the trial and has good case to argue in the Appeal which may take time to be decided.

4. The learned A.P.P. opposed the bail application claiming that there are consistent dying declarations claiming that the husband was

ill-treating the victim.

5. Going through the Record and Proceedings and reasons recorded by the trial Court, the Application deserves to be allowed.

6. The Application is allowed. The sentence of imprisonment alone as imposed against the Applicant - original accused by District Judge-1 and Additional Sessions Judge, Newasa in Sessions Case No.121 of 2014 is suspended during pendency of the Appeal, which has been admitted. Applicant be admitted to bail, subject to the Applicant furnishing P.R.B. and S.B. in the sum of Rs.15,000/- (Rupees Fifteen Thousand) in the trial Court. The Applicant - accused shall appear before the trial Court on 12th August 2016 for furnishing necessary surety. Trial Court to report compliance of furnishing bail.

7. While admitting the Applicant - accused

to bail, the trial Court shall add condition that Applicant shall mark his presence in the trial Court every three months till disposal of the present Appeal. The trial Court shall send yearly report in January, about compliance regarding appearance of the accused.

8. Criminal Application stands disposed of, accordingly.

[A.I.S.CHEEMA, J.]

asb/AUG16