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

CRIMINAL APPLICATION NO.3105 OF 2016

Sujata Dnyanoba Avchar,
Age: 20 years, Occ: Student,
R/o. Lokhande Vasti, Wadwani,
Tq. Wadwani, Dist. Beed. ..APPLICANT

VERSUS

The State of Maharashtra
Through Police Station Wadwani,
Tq. Wadwani, Dist. Beed & anr ..RESPONDENTS

Mr R.S. Deshmukh, Advocate for applicant;
Mr S.J. Salgare, Addl. Public Prosecutor for
respondent

CORAM : N.W. SAMBRE, J.

DATE : 3rd August, 2016

ORDER :

The contemnor is personally present in the Court and has tendered apology for incorrect statement before this Court, which has prompted this Court to pass order summoning the Investigating Officer with contempt notice.

2. In view of remorse expressed and

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unconditional apology, the contempt notice is discharged.

3. In Crime No. 41 of 2016, based on dying declaration of Pratibha, wife of real brother of present applicant namely Subhash, the applicant is impleaded as an accused for an offence punishable under Sections 302, 323, 504 read with Section 34 of the Indian Penal Code.

4. The allegation in the dying declaration against the applicant is that the applicant along with her mother poured kerosene and three all of them i.e. applicant, her mother Nandabai and husband of victim Pratibha together set her on fire. The story as is narrated in the dying declaration, particularly attributing the act of simultaneously setting deceased Pratibha on fire appears to be improbable.

5. The mother applicant namely Nandabai and her real brother Subhash are already subjected to

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custodial interrogation and the Investigating Officer, who is present, has informed through learned A.P.P. that the investigation in the matter is complete, as the charge sheet is already filed.

6. In this back ground, custodial interrogation of the applicant is not necessary. Hence, the following order :-

(a) In the event of arrest of the applicant, in Crime No. 41 of 2016 registered with Wadwani Police Station, District Beed, for the offence punishable under Sections 302, 323, 504 read with Section 34 of the Indian Penal Code, she be released on bail, upon furnishing P.R. bond of Rs.10,000/- with one surety in the like amount.

(b) The applicant shall attend the concerned police station as and when called.

7. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)