

CRIMINAL APPLICATION NO. 5024 OF 2016

VERSUS

The State of Maharashtra ...Respondent

.....
Shri V.B.Jogdand Patil, advocate for the applicant
Shri A.R.Borulkar, A.P.P. for respondent
.....

CORAM : S.S.SHINDE & SANGITRAO S.PATIL, JJ.

DATED : 19th SEPTEMBER, 2016

PER COURT :

Heard the learned counsel appearing for the applicant and the learned A.P.P. for the respondent/State.

2. Learned counsel appearing for the applicant submits that the applicant's age is about 78 years. She is suffering from serious ailment. She is hospitalized in the Government Hospital at Nashik through the jail authorities. During trial she was on bail. She never misused the bail. She is in jail since last four months.

He submits that there is no endorsement on the dying declarations that the same were read over to the declarant and she admitted them to be true. He further submits that during cross-examination the Medical Officer admitted that his endorsement was obtained when he was in his cabin in the Hospital.

3. On the other hand, the learned A.P.P. submits that both the dying declarations are consistent. The persons who recorded the dying declarations and also the Medical Officer have stated in their evidence that the declarant i.e. deceased Ranjana, was in a fit mental condition to give the dying declarations and the said dying declarations were read over to her.

4. The fact that the applicant/appellant was on bail during trial is not in dispute. Apart from it, it is not disputed before us that the appellant is about 75 years of age and also she is hospitalized. Therefore, keeping in view the fact that the appellant was on bail during trial and considering her physical condition, we are

inclined to allow this Application.

5. Accordingly, the Criminal Application is allowed.

6. The applicant-Jijabai w/o Punju Borse be released on bail on her furnishing bail bond of Rs.15,000/- with one surety in the like amount before the Sessions Court, Dhule.

7. Criminal Application stands disposed of.

8. The Registry shall send the original record and proceedings to the Sessions Court, Dhule. On receiving the said record, the Registry of the Sessions Court to prepare the paper book and send it to the Registry of this Court expeditiously.

(SANGITRAO S. PATIL, J.) (S.S.SHINDE, J.)

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