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

CRIMINAL APPLICATION NO.6361 OF 2016

Girjabai w/o Madhavrao Gutte,
Age: 58 years, Occ: Household,
R/o. Umardara, Tal.Jalkot,
District Latur.

..APPLICANT

VERSUS

The State of Maharashtra,
Through Police Inspector,
Police Station, Jalkot,
Tal. Jalkot, Dist. Latur.

..RESPONDENT

Mr S.S. Thombre, Advocate for applicant;
Mr S.N. Morampalle, Addl. Public Prosecutor for
respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 16th DECEMBER, 2016

ORAL ORDER :

The applicant, who has been arrested on 28th June, 2016 in connection with Crime No. 88 of 2016 registered with Jalkot Police Station, Taluka Jalkot, District Latur, for the offences punishable under Sections 302, 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, seeks her release on bail.

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2. On 28th April, 2016 at about 3-00 p.m. one Sheetal wife of Shankar was stated to have suffered burn injuries and was therefore taken for medical aid. It was revealed that she had suffered 97% burns and she expired subsequently on 5th May, 2016. Thereafter on 28th June, 2016 report came to be lodged, in which it was stated that the present applicant who was neighbour of the said Shankar and Sheetal had closed the door from outside and mother in law and husband of Sheetal had set her on fire. On that basis, the applicant came to be arrested.

3. It is submitted by the learned Counsel for the applicant that though Sheetal was burnt on 28th April, 2016 there was considerable delay in lodging the first information report. It is submitted that on 31st May, 2016 the statements of the parents of Sheetal were recorded in which they stated that according to Sheetal, she had suffered burns as a *Chimni* in the house had fallen on her body. It is submitted that after almost two months, a document shown to be as dying declaration was brought on

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record to implicate the present applicant. Same is dated 29th April, 2016. The report was not lodged immediately. It is then submitted that the charge sheet has been duly filed and there is no reason to continue the applicant's further detention.

4. The application is opposed by the learned Additional Public Prosecutor by relying upon the police papers. It is submitted that in view of the said dying declaration implicating the present applicant, she is not entitled for bail. It is further submitted that as the door of the house was closed from the outside, the said Sheetal could not save herself. It is, therefore, submitted that the application deserves to be rejected.

5. I have perused the first information report as well as the documents filed along with the charge sheet. The statements dated 31st May, 2016 of the parents of Sheetal indicate that she had told them that as a *chimni* in the house had fallen on her body, she got burnt. The dying

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declaration though has been shown to be recorded on 29th April, 2016 in the presence of a police constable, the report is lodged on 28th June, 2016. Considering the fact that the statements of the parents of Sheetal dated 31st May, 2016 do not implicate the present applicant and as the charge sheet has been filed on 23rd September, 2016, further detention of the applicant is not warranted.

6. In view of aforesaid, the following order is passed : -

(i) The applicant is directed to be released on bail in connection with Crime No. 88 of 2016 registered with Jalkot Police Station, Taluka Jalkot, District Latur, for the offences punishable under Sections 302, 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, on furnishing P.R. bond of Rs.15,000/-, with one surety in the like amount.

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(ii) The applicant shall attend the Court of learned Sessions Judge, Udgir as per directions of the learned Sessions Judge.

(iii) The applicant shall not take any steps to influence the prosecution witnesses.

7. The observations made in this order are only for the purposes of deciding present application.

8. Criminal Application is allowed and disposed of.

(A.S. CHANDURKAR, J.)

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