

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

CRIMINAL APPLICATION NO. 6428 OF 2015

IN

CRIMINAL APPEAL NO. 874 OF 2015

- 1] Jijabai Lotan Badgujar,
- 2] Lotan Daga Badgujar,
- 3] Vinod Daga Badgujar,
- 4] Ratnabai Vicky Pawar

...Applicants

VERSUS

The State of Maharashtra

...Respondent

.....

Shri Joydeep Chatterjee, advocate for applicants

Shri S.D.Ghayal, A.P.P. for respondent/State

.....

CORAM : A.V.NIRGUDE

AND

INDIRA K.JAIN, JJ.

DATED : 25th February, 2016

ORDER :

- 1] Heard learned counsel for the applicants.
- 2] Learned A.P.P. waives service of notice for respondent /State.
- 3] The appellants moved this application for bail and for suspension of substantive sentence.
- 4] With the help of learned counsel for the applicants/appellants as well as learned A.P.P. for the respondent/State, we went through the judgment of the lower court as well as the evidence on record.

5] This was a case of bride burning. The victim/wife no doubt unequivocally declared in her dying declaration that her husband, her parents-in-law, her sister-in-law and brother-in-law took active part in setting her on fire. However, when she was brought to hospital after the incident, the first information given to the Medical Officer was that this was a case of accident.

6] The defence of the appellants and deceased Yogesh, who happened to be the husband of the victim, was that while the victim caught fire due to accident they tried to help her and all of them sustained burn injuries. The husband sustained severe injuries and ultimately died in the hospital. Before his death his dying declaration was recorded in which he stated that this was a case of accident and he tried to save his wife. The prosecution case is thus considerably weakened. We are, therefore, inclined to grant bail to the appellants/accused.

7] The applicants/appellants are released on bail on they each executing P.R. bond of Rs.15,000/- with one surety in the like amount by each of them. The substantive sentence is suspended. The bail bonds to be furnished in the trial court.

[INDIRA K.JAIN, J.]

[A.V.NIRGUDE, J.]