

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

CRIMINAL APPLICATION NO.6925 OF 2015

1. Vijayalaxmi w/o Shivcharan Dandekar
Age 53 years, Occu. Household
R/o Savitribai Fule Nagar, Nanded
Taluka and District Nanded
 2. Shivcharan s/o Sukhdeo Dandekar,
Age 69 years, Occu. Pensioner,
R/o as above
 3. Archana w/o Bhaurao Sonkamble,
Age 30 years, Occu. Household,
R/o As above
 4. Sarika w/o Avinash Dandekar,
Age 30 years, Occu. Household,
R/o Khandoba Bazar, Parbhani
Taluka and District Beed
 5. Vikas s/o Shivcharan Dandekar,
Age 30 years, Occu. Private job,
R/o Savitribai Fule Nagar, Nanded
Taluka and District Nanded
- ..Applicants

Versus

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- The State of Maharashtra,
Through Police Station Officer,
Police Station, Shivajinagar,
Nanded, District Nanded
- ..Respondent

Mr Gajanan Kadam, Advocate for applicants
Mr S.Y. Mahajan, Addl.Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 15th February 2016

PER COURT

Heard.

2. The applicants are seeking regular bail in Crime No.130 of 2015 registered at Shivajinagar Police Station, Nanded, for the offences punishable under Sections 302, 307, 498-A 149 read with Sec.34 of Indian Penal Code.

3. The prosecution story is, the applicants herein have set ablaze deceased Seema at her parental house, in which she expired and as such, applicants are arrested.

4. While trying to make out the case for grant of regular bail, Mr Gajanan Kadam, learned Counsel for the applicants would urge that the applicants are falsely implicated in the crime in question. According to him, all the family members of the applicants are impleaded as accused, which speaks of revengeful attitude, with which the F.I.R. is lodged. Apart from above, he would urge that the custodial interrogation of the applicant is not required, as the investigation in the matter is complete and charge-sheet is already filed.

5. The other accused, who were similarly placed, namely Vijayalaxmi Shivcharan Dandekar and Shivcharan Sukhddeo Dandekar i.e. mother-in-law and father-in-law are already released by learned Sessions Court. Hence, application at their behest has rendered infructuous.

6. Learned Additional Public Prosecutor opposed the application on the ground that there is dying declaration, which attributes role to the present applicants.

7. The applicant No.5 Vikas is real brother of husband of deceased namely Vilas, Sarika is wife of brother of Vilas, applicant No.3 Archana is widowed sister of Vilas, husband of deceased.

8. Perused the entire investigation papers. Apart from the contents of the charge-sheet, the Executive Magistrate has recorded the dying declaration on 12th August 2015 and while responding to the question of Executive Magistrate as to whether the deceased has any complaint against any of the family members, she has not uttered anything against the present applicants.

9. The fact remains that applicant Vikas is residing separately, whereas Sarika resides along with her husband at Parbhani. Archana is widowed daughter of present applicant No.2, Shivcharan. In my opinion, as the investigation is complete and charge-sheet is already filed and there is no direct role of applicants in commission of crime in question, they are entitled to be released.

10. As such, Criminal Application stands allowed. The applicants be released on bail in Crime No.130 of 2015 registered at Shivajinagar Police Station, Nanded, for the offences punishable under Sections 302, 307, 498-A 149 read with Sec.34 of Indian Penal Code, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount, by each of them.

(N.W. SAMBRE, J.)

vvr