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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.633 OF 2016**

1. Sanjabai Sambhaji Awaghade
2. Nandabai Suresh Awaghade ...Applicants

Versus

The State of Maharashtra ...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.474 OF 2016**

Moharabi Pandurang Kambale ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr.Amit A.Karande, for the Applicants in ABA No.633 of 2016.

Mr.P.G.Chavan, for the Applicant in ABA No.474 of 2016.

Mr.D.P.Adsule, A.P.P for the Respondent-State

PSI – K.Y.Sagawekar, Mangalwedha Police Station, Solapur.

CORAM : REVATI MOHITE DERE, J.

DATE : 16th APRIL, 2016

1. Heard learned Counsel for the applicants and the learned A.P.P.
2. By these applications, the applicants seek pre-arrest bail in connection with C.R. No.31 of 2016 registered with the Mangalwedha

Police Station, Solapur, for the alleged offences punishable under Sections 498A, 306, 323, 504 r/w 34 of the Indian Penal Code.

3. The applicants in Anticipatory Bail Application No.633 of 2016 are the mother-in-law and cousin mother-in-law of the deceased and the applicant in Anticipatory Bail Application No.474 of 2016 is the cousin sister-in-law's mother-in-law.

4. Learned Counsel for the applicants submits that admittedly the applicants were not residing with the deceased and her husband and on the date of the incident, none of the applicants were present in the house. They submitted that the allegations essentially are as against the husband of the deceased, that there was a quarrel on 13th January, 2016, between the deceased and her husband and being fed up of the said quarrel that the deceased set herself ablaze.

5. Learned APP has tendered the dying declaration of the deceased – Pratibha Awaghade. The same is taken on record and marked 'X' for identification.

6. Perused the said dying declaration. According to the said dying declaration on 13th January, 2016, at about 9.00 a.m. the deceased's husband – Tanaji Awaghade had come home drunk. She has stated that as there was no food, she asked her husband to bring grocery, pursuant to which, he got enraged and started abusing and assaulting her. She has stated that on account of the same in a fit of anger she poured kerosene on her person and set herself ablaze, pursuant to which her husband ran away from the spot. From the said dying declaration it appears that there are no allegations qua the applicants and the names of the applicants are not mentioned in the dying declaration.

7. Considering the aforesaid, the applications are allowed and the applicants are granted anticipatory bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount ;
- (ii) The applicants shall report to the concerned Investigating

Officer as and when called for ;

(iii) The applicants shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case.

(iv) The applicants shall inform their latest place of residence and mobile contact number immediately and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station.

8. The Applications are allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.