

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (BA) NO.4/2016

Ganesh s/o Ashok Gavhane

..Versus..

State of Maharashtra, through Police Station Officer, Police Station Mangrulpir, Distt.
Washim

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 24.2.2016

Heard Shri T.U. Tathod, advocate for the applicant and Shri
S.S. Doifode, A.P.P. for the non-applicant.

The applicant is arrested in crime registered against him for the
offence punishable under Sections 498-A, 307, 302 read with Section
34 of the Indian Penal Code.

The allegations against the applicant are that he has poured
kerosene and set ablaze his wife in the house in which the applicant
was residing with deceased. There are three dying declarations on the
record. In the first dying declaration the deceased had stated that the

incident was an accident, however, after the father of deceased met her, in the second and third dying declarations she has stated that the applicant has committed the offence.

The applicant is arrested on 10th March, 2015 and is in jail since then. The charge-sheet is filed. The non-applicant has stated in reply that the other accused i.e. mother, father, sister and maternal uncle of applicant are absconding. The reply is sworn on 13th January, 2016. The learned advocate for the applicant has pointed out the order passed by this Court in Criminal Application (ABA) No.338/2015 on 11th August, 2015 by which pre-arrest bail is granted to the father, mother, sister and maternal uncle of the applicant. The non-applicant has not been able to show that custody of applicant is required for further investigation.

In the facts on the record, I am convinced that the applicant is required to be released on bail.

Hence, the following order:

- (i) The applicant having been arrested in Crime No.55/2015 registered by the non-applicant, be released on bail on furnishing P.R. bond in the sum of Rs.10,000/- (Rs. Ten Thousand Only) with two solvent sureties in the like amount.

(ii) The applicant shall attend every date of sessions trial before the Sessions Court unless granted exemption by the Sessions Court. In case of default on the part of the applicant to attend any date before the Sessions Court, unless exempted by the Sessions Court, this order shall stand recalled.

(iii) The application is **allowed** in the above terms.

No orders as to costs.

CRIMINAL APPLICATION (APPP) NO.13/2016.

In view of disposal of main application, this application does not survive and is **disposed** of accordingly. No orders as to costs.

JUDGE

Tambaskar.