

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (BA) NO.141 OF 2016

(Umesh s/o Kisanrao Kute ..vs.. State of Maharashtra, through PSO, PS Karanja Lad, District 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.
DATED : 21-03-2016

Heard Shri T.U. Tadhod, Advocate for the applicant and Shri S.M. Bhagde, Additional Public Prosecutor for the non-applicant.

2. The applicant is arrested on 12-04-2014 in crime registered against him for offences punishable under Sections 302 and 498-A of the Indian Penal Code.

3. The accusations against the applicant are that he is addicted to liquor and at the time of incident he came to the house under the influence of liquor and demanded the key of the vehicle from his wife/victim who refused to give the key of the vehicle as the applicant was under the influence of liquor and earlier he had committed accidents on two occasions. According to the prosecution, as the victim refused to give the key of the vehicle, the applicant poured kerosene on the person of victim and set her on fire.

4. Initially offence under Section 307 of the Indian Penal Code was registered against the applicant, however, after the death of victim, offence under Section 302 of the Indian Penal Code is registered. The bail application is opposed on the ground that there is sufficient material including the dying declaration of victim against the applicant.

5. The charge-sheet is filed on 09-07-2014. The non-applicant has not been able to show that the custody of the applicant is required for further investigation.

Considering the facts on record, in my view, the applicant is entitled to be released on bail.

6. Hence, the following order :

- i) The applicant having been arrested in Crime No. 104/2014 registered by the non-applicant, the applicant be released on bail, on furnishing P.R. Bond for Rs.25,000/- and two solvent sureties in the like amount.
- ii) The applicant shall regularly attend the sessions trial unless granted exemption by the Sessions Court.
- iii) The application is allowed in the above terms.

JUDGE

pma