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

CRIMINAL APPLICATION NO. 287 OF 2017

Laxmibai w/o Venkatrao Waghmode,
Age: 50 years, Occu: Housewife and Agri.,
R/o Mangyal, Taluka Mukhed,
District Nanded

..APPLICANT

VERSUS

The State of Maharashtra,
Through Police Inspector/
Police Sub Inspector,
Police Station, Mukhed,
Taluka Mukhed, Dist. Nanded

..RESPONDENT

Mr V. S. Panpatte, Advocate for applicant;
Mr S. M. Ganachari, Addl. Public Prosecutor for respondent

CORAM : N. W. SAMBRE, J.

DATE : 31st January, 2017

ORAL ORDER

By the present application under Section 438 of the Code of Criminal Procedure, the applicant seeks her release on bail, in connection with C.R. No.160 of 2016, registered with Police Station, Mukhed, for offences punishable under Sections 498-A, 504 and 306 of the Indian Penal Code.

2. Perusal of the first information report and dying declaration of victim Hanmabai depicts that the applicant used to subject her to cruelty, which offence is punishable under Section 498-A of the Indian Penal Code.

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3. So far as offence punishable under Section 306 of the Indian Penal Code is concerned, the ingredients of said Section are not at all satisfied, particularly when in the dying declaration the victim has stated that she herself poured kerosene on her person and got ablazed, without there being any instigation.

4. In view thereof, in my opinion, it will be appropriate to confirm ad interim protection granted in favour of the applicant. Hence, following order:-

In the event of arrest of the applicant, in connection with C.R. No.160 of 2016, registered with Police Station, Mukhed, for offences punishable under Sections 498-A, 504 and 306 of the Indian Penal Code, she be released on bail, on furnishing P.R. Bond of Rs.15,000/- with one or two sureties for the like amount.

The applicant shall attend the Investigating Officer on 8th and 9th February, 2017, between 10.00 a.m. and 12.00 noon and thereafter as and when called.

The applicant shall not take any steps to influence the prosecution witnesses or tamper with evidence.

Criminal Application stands allowed in above terms.

(N. W. SAMBRE, J.)

amj