

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

Criminal Application (BA) No. 834 of 2021

[Golu Munna Panse ..vs.. The State of Maharashtra through P.S.O., P.S., Shirajgon Kasba,
Tal. Chandur Bazar, Dist. Amravati]

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

Court's or Judge's orders

Mr. N. A. Badar, Advocate for the applicant
Mr. M. K. Pathan, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 30-09-2021

The applicant is the husband of deceased. The applicant and his father are arraigned as accused in Crime 129/2019 registered at Police Station, Shirajgaon Kasba, Taluka Chandur Bazar, District, Amravati for the offences punishable under Sections 498-A, 307 and 302 read with Section 34 of the Indian Penal Code.

2. The accusation is that the applicant and the co-accused who is the father of the applicant set the wife of the applicant ablaze.

3. It appears that there are two dying declarations on record, which are mutually inconsistent. The first dying declaration which is recorded on 15-7-2019

exonerates the accused from any wrong doing and purports to state that the applicant's wife suffered burn injuries while cooking food and the second dying declaration which is recorded on 19-7-2019 implicates the applicant and his father. The role attributed is that while the father of the applicant held the deceased, the applicant poured kerosene on her person and set her ablaze.

4. The father of the applicant is granted bail by this Court vide order dated 17-2-2021 in Criminal Application (BA) 13 of 2021. Apart from the inconsistent and mutually exclusive dying declarations, the order granting bail to the co-accused observes thus :

“5. It is pointed out that although the statement of her mother shows that her daughter informed her about the said incident, while she met her in the hospital on 15.07.2019 itself, the indoor case papers reveal that she made a statement that if at all anything happens to her daughter, she would not have any complaints against anyone. It is further pointed out that the statement of mother of deceased was recorded after 10 days i.e. on 25.07.2019. It is submitted that the applicant has been falsely implicated in the present case.”

5. A case for bail is made out. The application is allowed subject to the following conditions.

(a) Applicant - Golu Munna Panse be released on bail in Crime 129/2019 registered at Police Station, Shirajgaon Kasba, Taluka Chandur Bazar, District, Amravati for the offences punishable under Sections 498-A, 307 and 302 read with Section 34 of the Indian Penal Code, on his furnishing PR bond of ₹ 30,000/- (Rupees Thirty Thousand) with one or two solvent sureties in the like amount.

(b) The applicant shall neither tamper with the evidence so far collected by the prosecution nor pressurize the prosecution witnesses in any manner.

(c) The applicant shall attend the concerned police station on every second and fourth Saturday of the month in between 11.00 a.m. to 2.00 p.m., till the commencement of trial.

(d) The applicant shall not indulge in similar type of offence in future. If it is noticed that he is involved in

such type of offence, the prosecution will be at liberty to move for cancellation of bail.

(e) The applicant shall keep himself away from the limits of area where the informant and other witnesses are residing.

(f) The applicant shall not change the place of residence without prior intimation to the concerned police station.

(g) The applicant shall attend the dates of hearing regularly in the trial Court.

(h) Two consecutive absence without reasonable cause will entail the prosecution to move for cancellation of bail.

JUDGE