

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

CRIMINAL APPLICATION (BA) 919 OF 2021

(Mahadeo Rambhau Dube..vs..State, thr PSO, PS Ansing, Tq. Dist. Washim)

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

Court's or Judge's orders.

Mr. D.G. Dhoble with Mr. Raju Kadu, counsel for applicant.
Mr. N.R. Rode, APP for non-applicant/State.

CORAM: ROHIT B. DEO, J.
DATE:22.09.2021.

Heard.

2. The allegation is that the applicant set his wife Mrs. Radhabai afire by pouring kerosene on her person and then igniting the same with matchbox.

3. On the basis of the dying declaration of the deceased recorded by policeman on 29.12.2020, Crime 378/2020, for offences punishable under sections 302, 307, 504 of Indian Penal Code, is registered with Police Station, Ansing, Tq. Dist. Washim.

4. I have perused the material in the chargesheet.

5. The learned counsel for the applicant

Mr. D.G. Dhoble submits that there are two contradictory dying declarations on record. The first dying declaration is recorded by the doctor at 1.45 a.m. on 28.12.2020 which states that while deceased was alone at the residence, at 7.09 p.m., her saree accidentally caught fire while she was lighting the lamp. The later declaration records that the applicant set Mrs. Radhabai afire. The incriminatory declaration is to the effect that the applicant was manhandling the minor son and when Mrs. Radhabai questioned/confronted the applicant, he set her afire. The statement of the child is recorded in which he denies that he was manhandled. The statement of the child, is prima facie, inconsistent with the contents of the incriminating dying declaration. The statement of witness Mr. Arun Dube is that the door was locked from inside and had to be broken open.

6. Considering the material on record, the applicant is entitled to bail.

7. The applicant be released on bail in connection with Crime 378/2020, registered with Police Station, Ansing, Tq. Dist. Washim, for offences punishable under

sections 302, 307, 504 of Indian Penal Code, on executing PR bond of Rs. 16,000/- (Rupees Sixteen Thousand) with one solvent surety of the like amount.

8. The applicant shall not, directly or indirectly, make any attempt to influence the witnesses or otherwise tamper with the evidence.

9. The applicant shall not leave the country without the permission of the trial Court.

Judge

Belkhede