

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

924 BAIL APPLICATION NO.1386 OF 2021

Kantabai w/o. Gulab Rathod

.. Applicant

Versus

The State of Maharashtra

.. Respondent

...

Advocate for Applicant : Mr. Jagdish V. Deshpande

APP for Respondent / State : Mr. S.W. Mundhe

...

CORAM : MANGESH S. PATIL, J.

DATE : 17-03-2022

PER COURT :

. This is a successive application for regular bail in connection with Crime No.94 of 2018 registered with Aundha Nagnath Police Station, Dist. Hingoli for the offence punishable under Section 302, 498-A r/w.34 of the Indian Penal Code. Her earlier applications for regular bail bearing Bail Application Nos. 1402 of 2018 and 565 of 2020 were dismissed on 21-01-2019 and 21-09-2020, respectively.

2. The daughter-in-law of the applicant while being cohabiting with her husband and his family members was set on fire and succumbed. The applicant and the other accused including the husband are now being charged for committing murder of Kartika on

the basis of her dying declaration wherein she specifically attributed role to the in-laws including the applicant for having poured kerosene on her person and setting her on fire.

3. Admittedly, the trial is part-heard. Five witnesses have been examined by the prosecution. According to the learned APP, four out of them have turned hostile. He would further submit that importantly, even the person, who had video graphed the incident, has also turned hostile. The learned APP would further submit that few more witnesses are still to be examined. There is a dying declaration directly attributing role to the applicant. Therefore, he prays to reject the application.

4. Merely because the applicant's daughter who was also involved in the crime and is a juvenile in conflict with law is on bail, the reason being putforth by the applicant that she needs to be granted bail to protect the minor daughter, in my considered view, is nothing but an excuse. When there is a direct evidence in the form of dying declaration attributing her role in setting the deceased on fire, the applicant is not entitled to any excuse under the guise of protection of her minor daughter.

5. I am not inclined to reconsider the request, particularly when, in spite of several accused being behind the bars the witnesses are tampered.

6. The Bail Application is rejected.

(MANGESH S. PATIL)
JUDGE

...

Gajanan