

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

ANTICIPATORY BAIL APPLICATION NO.1688 OF 2022

**KESHARBAI W/O DATTARAO RANERAO
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Mr. Avinash R. Borulkar, Advocate for Applicant
Mr. A. A. Jagatkar, APP for Respondents – State

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 19th JANUARY, 2023

PER COURT :

1. Applicant apprehends arrest in Crime No.113/2022, registered with Bori Police Station, District Parbhani, for offence punishable under Sections 498-A, 302, 307, 504, 506 read with 34 of the Indian Penal Code.

2. FIR is registered on the basis of dying declaration of Laxmibai w/o Vitthal Ranerao, daughter-in-law of the applicant. Daughter-in-law in her dying declaration has implicated her husband, father-in-law and mother-in-law (applicant) alleging that on 26/06/2022, at about 11:00 a.m., on account of quarrel her husband caught her by holding from behind and present applicant poured petrol on her and then the husband set her ablaze.

3. Heard learned advocate for applicant and learned Additional Public Prosecutor for State. Perused the investigation papers.

4. Informant expired on 22/09/2022 during treatment. Her second dying declaration was recorded on 20/08/2022, wherein she has made the same allegations against present applicant.

5. Perusal of the investigation papers further reveals that statement of son of the deceased is recorded wherein he has stated that the deceased set herself on fire. While applicant was at the agricultural field and his father was having lunch in the court yard, at that time his mother took him and his younger brother to the grocery shop of one Balu Mama and got petrol from him. After bringing petrol, mother made him and his younger brother stand outside the house and entered the house. Thereafter they heard noise of their mother. At that time, he and his father entered the house. His father poured water on his mother. Thereafter his mother was taken to the hospital. Considering said statement and statement of grocery shop owner from whom deceased procured petrol, *prima facie*, the dying declarations appear to be doubtful.

6. Father-in-law of the deceased was released on anticipatory bail and the husband i.e. son of applicant was released on bail. Investigation appears to be almost complete. Nothing is to be recovered from applicant. Pre-trial custodial detention of applicant is not necessary in the facts of the present case. Applicant was granted interim protection and she has attended police station and cooperated in the investigation.

7. In the light of the above facts, application is allowed by confirming the interim order dated 13/12/2022. Till filing of charge-sheet, applicant shall attended concerned police station as and when called by investigating officer and cooperate in the investigation. Applicant shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)