



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2747 of 2024
IN
CRIMINAL APPEAL NO. 608 OF 2024

Laxmibai Digambar Tayade
Age 75 years, Occu. Nil,
R/o. Kusli, Taluka Jafrabad,
District Jalna.

... Applicant
[Orig. Accused No.3]

Versus

The State of Maharashtra
through Police Station Officer,
Police Station Jafrabad,
District Jalna.

... Respondent

.....
Mr. Shaikh Mazhar A. Jahagirdar, Advocate for the Applicant.
Mr. A. A. A. Khan, APP for the Respondent-State.
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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 12.07.2024

Pronounced on : 15.07.2024

ORDER :

1. This is an application for suspension of sentence and grant of bail on account of conviction recorded by learned Additional Sessions Judge, Jalna for commission of offence under Section 307 of the Indian Penal Code [IPC] and sentencing applicant to suffer 10 years imprisonment and to pay fine.

2. In support of above relief, learned counsel for the applicant pointed out that applicant is a lady of over 70 years of age. That she is falsely implicated along with her husband and son (i.e. husband of informant) by levelling sweeping allegations. Learned counsel submitted that in fact, applicant was not present at the time of alleged incident of burns suffered by informant daughter-in-law. That, learned trial court has already acquitted husband and father-in-law from all charges but only present applicant, i.e. mother-in-law of informant, is held guilty. Learned counsel pointed out that it is not possible to pour kerosene and ignite at one and the same time. That, there is improper appreciation by trial court, which is challenged by filing appeal. That, applicant has hope of succeeding in the same on merits, but as more time would be required to hear the appeal, it is prayed that sentence be suspended and applicant be set at liberty.

3. Opposing the above application, learned APP pointed out that serious offence of attempt to commit murder is proved upon trial. That, there are allegations against applicant for pouring kerosene and setting daughter-in-law on fire. Informant daughter-in-law has given statement as well as her testimony has remained intact. Therefore, with above nature of crime committed, learned APP prays to refuse the relief by rejecting the application.

4. Heard. It seems that on report of victim Godavari, daughter-in-law of present applicant, police registered crime on 29.12.2017 i.e. while she was undergoing treatment at Buldhana Civil Hospital. Allegations are that, husband was a drunkard and did no work and parents-in-law abused her and suspected her character and were asking her to leave the house. On 28.12.2017, she has alleged that, while she was going for urination out of the house, at that time mother-in-law i.e. present applicant poured kerosene and set her on fire. Statement of victim seems to be recorded on 29.12.2017 while she was in the hospital. Trial culminated in conviction. It seems that before this Court, stand is taken that applicant was not present at the time of incident. However, trial court seems to have held that *alibi* as not been proved. Informant seems to have suffered 35% burns and primarily, face, upper limbs (front and back side), chest and neck are shown to be affected by burns as per testimony of PW5 doctor.

5. Taking above material into consideration, mere submissions that applicant is a lady and moreover, over 70 years of age, would not entitle her to seek bail and suspension of sentence. Considering the gravity of offence and the quantum of sentence awarded, this Court does not find it a fit case to extent relief as prayed. Hence, I proceed to pass the following order:

ORDER

The application is dismissed.

[ABHAY S. WAGHWASE, J.]

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