

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 6735 OF 2014

Ananda s/o. Ramesh Palve **....Applicant.**

Versus

The State of Maharashtra **....Respondent.**

Mr. B.R. Kedar, Advocate for applicant.

Mrs. M.A. Deshpande, APP for State.

CORAM : T.V. NALAWADE, J.
DATED : 6th January, 2015.

ORDER :

1. The application is filed for bail. Both the sides are heard. This Court has perused the papers of investigation.

2. The crime is registered on the basis of dying declaration of the wife of the present applicant. Their marriage had taken place about 3 years prior to the date of incident. The deceased has left behind a son aged about two and half years from the said marriage. In the disclosure made by the deceased, she has contended that on 30.4.2014 she wanted to go to Bhandup-Mumbai to attend one marriage and when she expresses her desire, the quarrel started. She has disclosed that

the husband said that she had paramour in Mumbai and due to that she was visiting Mumbai time and again. She disclosed that the husband then gave beating to her and this incident took place in the bed room. She disclosed that in the bed room, her mother in law poured kerosene on the person of deceased and present applicant set her on fire and when she started shouting, the sister of husband and others came there and they extinguished the fire and she was shifted to hospital. She initially disclosed that she caught fire accidental. But, such disclosure was made due to threat given by the husband. She died in the hospital due to burn injuries.

3. The learned counsel for applicant submitted that in view of the first disclosure made by the deceased which was in respect of accidental burn, the applicant is entitled to get bail. This submission is not at all acceptable. It is up to the Court to decide as to which disclosure can be believed and can be acted upon. That job is of the trial court and it can be done only during trial. Further, the first so called disclosure is not consistent with the other record. The spot panchanama shows that the incident in question took place in bed room when in the first disclosure, the deceased had stated that she was cooking meal and at that time, her clothes got fired accidentally. There is separate kitchen

in the house of applicant, but the incident did not take place in the kitchen.

4. The aforesaid material is sufficient to make out strong prima facie case for the offence of murder against the applicant. The circumstance that the mother of the applicant is granted bail by this Court (other Hon'ble Judge of this Court) cannot be used in favour of the applicant and the case of the applicant is not similar to the case of his mother.

5. In the result, the application is rejected.

[T.V. NALAWADE, J.]

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