

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.565 OF 2015

Arun Balasaheb Kate ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.R.S. Kate i/b R.A. Zade for the Applicant
Mr.Arfa Sait, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JUNE 22, 2015**

P.C.:

1. The application is moved for bail as the applicant is facing charges under sections 302, 504 r/w 34 of the Indian Penal Code in relation to C.r. No.520 of 2014 at Baramati City police station, Pune. The offence is registered at the instance of the deceased Amruta Arun Kate, wife of the applicant, on 10.11.2014. The incident has taken place on 10.11.2014 in the evening. As per the case of the prosecution, the deceased was set on fire by the applicant, her husband, after pouring kerosene on her. Thereafter the offence was registered and the applicant was taken in custody immediately. He is in prison since then. Hence, this application.

2. The learned Counsel for the applicant/accused has submitted that the applicant is innocent. There are three dying declarations which are

inconsistent. It is further submitted that the dying declaration which is first in point of time, discloses that she has stated that she got burnt in the explosion of a stove when she was cooking and if that is taken into account, the applicant/accused is innocent. Therefore, the applicant/accused be released on bail.

3. Learned Prosecutor while opposing the application, pointed out that it is a case under section 302 of the Indian Penal Code and considering the other dying declarations, the deceased has attributed the role of setting her on fire to the applicant/accused, it is not a case for granting bail.

4. Perused the FIR; all the three dying declarations. The deceased was burnt and the burn injuries are about 80%. She succumbed to the burn injuries. I have also perused the spot panchanama and the dying declaration where she has attributed the act of pouring kerosene and igniting the matchstick to the applicant. Considering all this, it is not a case for bail. Hence, the application is rejected.

(MRS.MRIDULA BHATKAR, J.)