

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.654 OF 2015

Vinod Narayan Patil

..Applicant

v/s.

The State of Maharashtra.

..Respondent

Mr. Satyavrut Joshi for the Applicant

Mr. Rajesh More, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : DECEMBER 17, 2015.

P.C.

. This is an application for bail filed by the aforesaid applicant who is facing trial in Sessions Case No.70/2014 pending on the file of Sessions Court, Pune.

2. The case of the prosecution in brief is that on 8/9/2013 at about 10.30 p.m. the applicant poured kerosene on his wife Manisha and set her on fire. The said Manisha was initially admitted in Sason hospital on 8/9/2013. Her statement was recorded on 9/9/2013. Subsequently on 22/10/2013 she was shifted to Jalgoan hospital. She expired on 2/11/2013. Initially the crime was registered under section 307 of IPC. In view of the death of said Manisha, crime was registered for offence under section 302 of IPC. On completion of the investigation charge sheet was filed before JMFC, Pune and case was

committed to Sessions Court, Pune. The applicant had filed Bail Application before the Additional Sessions Judge, Pune which came to be dismissed on 5/3/2014. The applicant therefore has filed the present application u/s.439 of Cr.P.C. before this Court.

3. Mr. Joshi, the learned Counsel for the applicant submitted that the incident had occurred on 8/9/2013 and the deceased had expired on 2/11/2013. He therefore claims that there is no direct nexus between the incident and the cause of death and further contends that there is no prima facie material on record to prove essential ingredients of section 302 of IPC.

4. Mr. More, learned APP submitted that the dying declaration prima facie reveals that the applicant was involved in causing the death of his wife. The medical record indicates that the deceased had expired due to burn injuries. He submitted that the trial has already commenced and considering the nature of allegations, the applicant is not entitled for bail.

5. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties. The records prima facie reveal that the deceased, the wife of the applicant

herein was admitted in Sason hospital on 8/9/2013. Her statement was recorded on 9/9/2013, wherein she has stated that on 8/9/2013 at about 10.30 the applicant herein had poured kerosene on her body and set her on fire. Subsequently on 22/10/2013 she was shifted to Jalgoan hospital. She expired on 2/11/2013.

6. The dying declaration prima facie reveals involvement of the applicant in committing the offence. The medical report prima facie reveals that death was due to septicaemia caused due to 40% burn injuries. The material on record prima facie indicates that death has direct nexus with the incident as alleged. Thus, material on record prima facie indicates that the applicant was involved in committing murder of his wife. The nature and gravity of the offence would not justify grant of bail. Under the circumstances, the application is dismissed.

(ANUJA PRABHUDESSAI, J.)