

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 443 OF 2015

IN

CRIMINAL APPEAL NO. 429 OF 2015

Bhimrao Jagannath Koli .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr. Rahul S. Kulkarni, Advocate for the applicant

Ms. Anamika Malhotra, APP for the State

CORAM:-A. R. JOSHI, J.

DATED : -16/06/2015

P.C.

Heard the learned Counsel for the applicant on this application for bail during the pendency of appeal.

2 The appeal is already admitted.

3 The applicant is convicted for the offence punishable u/s 307 of IPC and sentenced to suffer RI for seven years and to pay fine of Rs.3,000/-. He was also convicted for the offence u/s 506 of IPC. Though during the trial, the applicant was on bail, after the

conviction, he has been taken in custody. Apparently there is cognate evidence of the injured victim i.e. the wife of the appellant-applicant on whom on the date of the incident he poured kerosene and caused severe burn injuries to the extent of 12 to 15%, on her chest, abdomen and other parts of the body in the incident occurred on the auspicious occasion of Diwali festival. Allegedly the applicant was in intoxicated condition, as usual he used to drink liquor. On that afternoon he came to the house, pulled quarrel with his wife and gave her threats and also coerced her that he will kill their own daughter aged about one and half years. Thereafter he poured kerosene on his wife and set her on fire. The neighbour i.e. PW 4 also deposed to the effect that when he heard the noise and shouts by the victim women from the house, he found that the door was latched from inside. He knocked the door. It was opened by the applicant. The applicant was then having some injuries on his head and he ran away after opening the door. The neighbour found the victim woman in burning condition. He removed her to hospital.

4 During the argument it was suggested that it was a

case of accidental catching of fire by the woman. However, this theory is negated by the substantive evidence of the independent witness PW 4, as mentioned above. In any event it is not a case in which the present applicant can be released on bail once convicted and for severe offence punishable u/s 307 of IPC and that also commission of offence in intoxicated condition.

5 As such the present application for bail is rejected and accordingly disposed of.

(A. R. JOSHI, J.)

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