

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2392 OF 2016

IN

CRIMINAL APPEAL NO.283 OF 2016

Maroti s/o Gangaram Wakde,
Age-40 years, Occu:Agril.,
R/o-Balegaon, Tq-Degloor,
Dist-Nanded.

...APPLICANT

VERSUS

The State of Maharashtra,
Through Police Station, Degloor,
Tq-Degloor, Dist-Nanded.

...RESPONDENT

...

Mr. Ram S. Shinde Advocate for Applicant.
Mr. A.A. Jagatkar, A.P.P. for Respondent.

...

**CORAM: S.S. SHINDE AND
K.K. SONAWANE, JJ.**

DATE : 17TH NOVEMBER, 2016

ORDER :

1. Heard learned counsel appearing for the
Applicant and learned A.P.P. appearing for the
State.

2. The learned counsel appearing for the Applicant submits that the witnesses who have witnessed the incident, have not supported the prosecution case. He further submits that it was accidental death, as while cooking food on stove it was burst and the deceased received burn injuries and therefore benefit of doubt ought to have been given to the Applicant.

3. On the other hand, learned A.P.P. appearing for the State, relying on the findings recorded by the trial Court and in particular dying declarations and evidence of the police officer and Executive Magistrate, submits that in both the dying declarations there is consistent version that Applicant came at 10.00 a.m. in the house under the influence of liquor and after pouring kerosene on the person of the deceased, set her ablaze and therefore this Court may not entertain the Application filed by the Applicant

for releasing on bail.

4. Upon hearing the learned counsel for the Applicant and learned A.P.P. and upon perusal of the findings recorded by the trial Court in the light of notes of evidence and in particular contents of both the dying declarations, we are of the opinion that findings recorded by the trial Court are prima facie sustainable. We do not wish to elaborate on the evidence, as the Appeal filed by the Applicant is pending. For the reasons aforementioned, the Criminal Application stands rejected.

5. The Registry of this Court shall send original Record and Proceedings to the Registry of Additional Sessions Judge, Biloli. Upon receiving the original Record and Proceedings by the Registry of the Additional Sessions Judge, Biloli, the Registry of concerned Court shall prepare the Paper Book and send it back along with original

Record and Proceedings, as expeditiously as possible, and preferably within four months from receipt of the original Record and Proceedings.

6. Upon receiving original Record and Proceedings with Paper-Book by the Registry of this Court, liberty to mention for early hearing of the Appeal.

[K.K. SONAWANE, J.]

asb/NOV16

[S.S. SHINDE, J.]