

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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CRIMINAL APPLICATION NO. 4421 OF 2016
IN APEAL/463/2016 WITH APEAL/463/2016
WITH APPLN/5758/2016 IN APEAL/463/2016

PARMESHWAR S/O SADASHIV SAN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for applicant : Mr.R.S. Deshmukh
APP for Respondent/State:Mr.M.M.Nerlikar

...
CORAM: S.S.SHINDE & SANGITRAO S. PATIL, JJ.
Dated: October 14, 2016

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Heard the learned counsel appearing for the applicant. He invites our attention to the contents of the Dying Declarations and submits that the version stated in the Dying Declarations is contradictory. During the trial, the applicant was on bail. He also invites our attention to the contents of the A.D. and submits that in fact the death was accidental, and therefore, the applicant deserves to be released on bail during

pendency of the Criminal Appeal.

2. The learned A.P.P. appearing for the Respondent/State vehemently opposed the prayer of the applicant. He submits that in both the Dying Declarations, the applicant is implicated and also there is overt act attributed to him, and therefore, the application for bail may be rejected.

3. Upon considering the submissions advanced by the parties and upon perusal of the notes of evidence, and in particular, the Dying Declarations at Exhibit 76 and at Exhibit 102, it is clear that in both the dying declarations it is stated that the applicant poured the kerosene on the person of Deepali and set her ablaze. In both the dying declarations, the said act is concerned, the same is consistent. Prima facie, the findings recorded by the trial Court are sustainable. In that view of the matter, no case is made out for releasing the applicant on bail. Hence the application stands rejected.

4. The Registry of this Court shall send original Record and Proceedings to the

Registry of Additional Sessions Judge, Aurangabad. Upon receiving the original record and proceedings by the Registry of the Additional Sessions Judge, Aurangabad, 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 three months from receipt of the original record and proceedings.

(SANGITRAO S.PATIL, J) (S.S. SHINDE, J)