

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.451 OF 2016

Sham Shankar Sonawane .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.J.D.Mane, Advocate, for the Applicant

Mr.D.P.Adsule, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 08.03.2016

P.C.

. Heard learned counsel for the Applicant
and the learned APP for the Respondent – State.

2. By this Application, the Applicant seeks
his enlargement on bail in connection with C.R.No.
101 of 2015 registered with the Vairag Police
Station, Taluka-Barshi, District-Solapur, for the
alleged offences punishable under Sections 302,
323, 498A, 504 r/w.34 of the Indian Penal Code.

3. On 02.06.2013, the Applicant got married to the deceased. On 23.06.2015, the Applicant and his mother poured Kerosene on the deceased and set her ablaze. The deceased sustained 98% burn injuries and succumbed to the said injuries on 27.06.2015.

4. Learned counsel for the Applicant states that there are several discrepancies in the dying declaration recorded at Osmanabad, by the Police Head Constable. He submits that the Applicant's mother has been enlarged on bail and as such, the Applicant's Application also may be considered and he may be enlarged on bail.

5. Learned APP opposed the Bail Application. He submitted that there is an ample evidence as against the Applicant, in the form of dying declaration made to the Police Head Constable, in the hospital at Osmanabad, as well as, oral dying

declarations.

6. Perused the papers. The dying declaration which is at Exh.13 has been recorded in the presence of the Doctor, in the hospital and it shows that the deceased was conscious and oriented. She has stated in the said dying declaration that her husband was habituated to drinking and would quarrel on account of the same. She has stated that the Applicant and her mother-in-law poured Kerosene on her person and set her ablaze. She has stated that on 22.06.2015, her husband (Applicant) came home drunk and demanded Rs.5/- from her, and when she refused to give the said amount, he along with his mother poured Kerosene on her person and set her ablaze. There are three oral dying declarations made to the neighbours, who came there, soon after the incident. The said three witnesses have categorically stated that the deceased had disclosed to them, that her husband had come home

drunk and had demanded money from her, that as she refused to give the money to the Applicant, he started quarreling with her. She has further disclosed that when she started packing her bag, to go to her parents house, the Applicant started verbally abusing her; giving fist and kick blows; and demanded a sum of Rs.2,00,000/- for purchasing of motor cycle and tempo. She has further disclosed that the Applicant pulled her inside the house and her mother-in-law poured Kerosene on her person and the Applicant lit the match stick and set her ablaze, as a result of which she sustained burn injuries. All the three oral dying declarations are consistent with the dying declaration made earlier in the hospital at Osmanabad. The deceased was only 18 years old, at the relevant time.

7. Considering the material as against the Applicant, this is not a fit case to enlarge the Applicant on bail.

8. Accordingly, the Bail Application stands rejected and is disposed of.

9. It is made clear, that the learned Sessions Judge shall conduct the trial on its own merits uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)