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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1823 OF 2015**

Shivling Sidram Hiroli

...Applicant

Versus

State of Maharashtra

...Respondent

Mr.Sachin Deokar i/b Mr.V.V.Purwant, for the Applicant

Mr.Arfan Sait, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 9th MARCH, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 3 of 2015, registered with the M.I.D.C. Police Station, Solapur, for the alleged offences punishable under Sections 302, 506 of the Indian Penal Code.
3. The incident in question has taken place at around 11.30 a.m., when the applicant poured kerosene on his wife and set her ablaze.

4. Learned Counsel for the applicant states that although there are dying declarations made by the deceased which implicates the applicant, it is the applicant who had taken her to the hospital. He submitted that the applicant is in custody for more than a year.

5. Learned APP opposed the bail application. He submitted that there are two written and three oral dying declarations made by the deceased and that all the dying declarations are consistent to each other.

6. Perused the charge-sheet. In the statement made to the police, and which is treated as a dying declaration, the deceased has disclosed that the applicant quarreled with her and demanded money for alcohol, and as she failed to give money to the applicant, the applicant poured kerosene on her person and set her ablaze. The said dying declaration is consistent with the dying declaration which is made to the Nayab Tahasildar, on the very same day, at about 2.50 p.m. The said written dying declarations, one which is recorded in the form of a statement and treated as an FIR and one which is recorded by the Nayab Tahasildar are consistent with the oral

dying declarations made to the three witnesses.

7. Considering the nature of allegations, this is not a fit case to enlarge the applicant on bail.

8. Accordingly, the Application for bail is rejected and disposed of as such.

9. Needless to observe, that the trial court shall decide the case on its own merits uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.