

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.92 OF 2016
IN
CRIMINAL APPEAL NO.489 OF 2014

Rahul Namdev Patil

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Hrishikesh Mundargi for the Applicant
Ms.A.S. Pai, APP, for Respondent – State

**CORAM: SMT. V.K. TAHILRAMANI &
MRS.MRIDULA BHATKAR, JJ.**

DATE: JUNE 21, 2016

P.C.:

1. Heard both sides.
2. Rule. By consent, Rule is made returnable forthwith.
3. The applicant has been convicted under sections 302 and 498A of the Indian Penal Code. The applicant is now seeking bail.
4. The learned Counsel for the Applicant pointed out that the mother and the father of the deceased have been examined. They are PW1 Ashok and PW3 Madhuri. Both the parents of the deceased Ashwini do not mention about any ill-treatment or harassment to their daughter by the applicant. Though both the witnesses say that they have met Ashwini in

the hospital, they do not state that Ashwini informed them that the applicant had set her on fire.

5. In addition, The learned Counsel for the applicant is relying on the dying declaration (exhibit 49). The said dying declaration shows that Ashwini stated that while she was cooking, her saree fell on the stove and she caught fire.

6. Per contra, the learned APP has placed reliance on the dying declaration (exhibit 41) which is recorded by PW5 Naib Tehsildar. In this dying declaration, Ashwini stated that the applicant poured kerosene on her and set her on fire. No doubt, in this declaration, Ashwini has stated that the applicant poured kerosene and set her on fire. However, looking to the evidence of the parents of the deceased Ashiwini and the dying declaration (exhibit 49) and the fact that the applicant was on bail during trial, we are inclined to grant bail to the applicant. Hence, the following order:

- i) The applicant be released on bail in the sum of Rs.50,000/- with one or two sureties to make up the said amount;
- ii) During the period that the applicant is on bail, he will report to Shahuwadi police station, Kolhapur once in a month i.e., on the first Sunday of every month.

7. The application is allowed on the above terms.

(MRIDULA BHATKAR, J.)

(V.K. TAHILRAMANI, J.)