

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 812 OF 2016

Amit Ajmirsingh Bhadoriya

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Vikas Kolekar Advocate for Applicant.

Ms. Veera Shinde APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : AUGUST 18, 2016.

PC :

1) Heard the learned counsel for the Applicant and the learned APP. The Applicant herein is arrested on 05/11/2015 in crime no. 175 of 2015 registered at Lonavala City Police Station for offence punishable under section 307 of the Indian Penal Code. At the time of filing of the charge-sheet, section 302 of the Indian Penal Code has been added as both the injured in the said incident have succumbed to the burn injuries.

2) It is the case of the prosecution that on 04/11/2015, one Sachin Singh was admitted in Parmar Hospital, Lonavala. He had sustained burn injuries of more than 75%. The doctor had endorsed positively in respect of his

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consciousness and orientation of statement. He disclosed to the police that on 04/11/2015 at about 2.15 a.m., he suddenly felt singeing sensation. When he awoke, he saw that the window of his room was open and there was fire in the room. He smelt petrol. He also realized that Atul Singh who was sleeping in the same room had also sustained burn injuries. He raised hue and cry. He saw the present Applicant in the window who was threatening them that now they may dare to see as to who would save them. The Applicant was in the window from where the petrol had been thrown in the house. The very fact that the Applicant had dared the deceased to save themselves, the deceased was sure that the act of setting fire was done by the present Applicant and no one else. There are two dying declarations and the said dying declarations are consistent. It is in these circumstances that this Court is of the opinion that the Applicant does not deserve to be enlarged on bail.

3) Upon hearing the hue and cry, the neighbours rushed to rescue. They carried them to Parmar Hospital. Thereafter, he was taken to Sasoon Hospital, Pune where his statement is recorded by P.S.I. of Lonavala City Police Station.

4) It is pertinent to note that initially offence was registered under Section

307 of the Indian Penal Code. On 07/11/2015, Sachin succumbed to the burn injuries and hence, section 302 of the Indian Penal Code was added. Atulsingh Bhadoria was still serious and was taken to Surya Hospital. Investigation is completed and charge-sheet is filed.

5) The learned counsel for the Applicant submits that subsequently, the statement was recorded on 07/11/2015. That there is discrepancy in the statement. The learned counsel further submits that on 05/11/2015, the police had recorded the statement of one Sonu Singh. He has disclosed that upon hearing hue and cry, they rushed to the said room wherein Satpal Singh had enquired with Sachin & Atul as to how they sustained burn injuries and at that time, he had disclosed that he does not know. According to the learned counsel, the injured had improvised their statements subsequently to falsely implicate the present Applicant.

6) The learned APP rightly submits that the case rests upon dying declaration.

7) As on today, there is no discrepancy in any of the statements interse. The truthfulness and the genuineness of the dying declaration can be considered at the time of trial while recording the substantive evidence.

Hence, as on today, no case for bail is made out.

8) Application, being sans merits, stands rejected.

(SMT. SADHANA S. JADHAV, J.)