

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1037 OF 2016
(For Bail)
IN
CRIMINAL APPEAL NO. 1150 OF 2013

Latif Hasan Madari & Anr. ... Applicants
Vs.
The State of Maharashtra ... Respondent

Mrs. A.M.Z. Ansari, Advocate for the applicants.
Mr. Arfan Sait, APP for the Respondent - State

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

DATE: AUGUST 31, 2016

P.C.:

1. Heard both sides.
2. The applicants have been convicted under section 302 r/w. 34 of Indian Penal Code for causing the death of Ranjita. The applicants are now seeking bail.
3. PW-2 Priti was the niece of deceased Ranjita. She has stated that her paternal aunt Ranjita expired on 22nd November, 2011. On 22nd November, 2011 at about 12 noon, two women came to take cow-dung from their house. At that time, Ranjita told them not to take the cow-dung. Those women started abusing Ranjita. On hearing the same, both the applicants, who are original accused nos. 1 and 2, came to the spot. Both

of them asked Ranjita why she had so much ego and further said that it was necessary to kill her by setting her on fire. Then applicant Salim (accused no. 2) asked applicant Latif (accused no. 1) to bring kerosene. Latif brought kerosene. Both of them entered into the house of Ranjita. Priti was in the house at that time. They pushed Priti out of the house. Both the accused poured kerosene on the person of Ranjita and set her on fire. Priti is not at all shaken in the cross-examination.

4. The learned counsel for the applicants submitted that the medical evidence is in her favour and it shows that it is a case of accidental burns or suicidal death. In support of this contention, she placed reliance on the evidence of PW-6 Dr. Kashinath Malbhage. She has placed reliance on the evidence of this witness in paragraph 4 where it is stated that the injury referred in Column no. 17 can be possible in case of accidental burn death or suicidal death. We do not see how the said statement made by this witness is of any help to the applicants. Looking to the evidence of PW-2 Priti, we are not inclined to grant bail.

5. Application is rejected.

(MRIDULA BHATKAR, J.)

(V.K. TAHILRAMANI, J.)