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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1383 OF 2015
IN
CRIMINAL APPEAL NO.1117 OF 2015

Vijay Radhaji Bhandare .. Applicant

V/s.

The State of Maharashtra .. Respondent

Mr. Abhaykumar Apte, appointed advocate for the Applicant.
Mrs. A.S. Pai, APP for the Respondent-State.

CORAM : SMT. V. K. TAHILRAMANI &
DR. SHALINI PHANSALKAR-JOSHI, JJ.

DATE : 16TH FEBRUARY 2016.

P.C:

1. Heard learned counsel for the applicant and learned APP for the State.
2. This application for bail is preferred by original accused in Sessions Case No.347 of 2011, who has been convicted for the offence punishable under Section 302 of Indian

Penal Code and sentenced to suffer rigorous imprisonment for life, in respect of homicidal death of his wife Sindhubai.

2. Prosecution is relying on the evidence of P.W.2 Bhaskar, the father of the deceased, who proved her illtreatment and beating, at the hands of applicant and also oral dying declaration made by Sindhubai before him attributing the cause of her burns to the act of applicant of pouring kerosene on her and setting her ablaze. Prosecution is also relying on the evidence of written dying declaration (Exh.33), as recorded by P. W. 6 PSI Pralhad Holkar in which deceased Sindhubai has reiterated that her husband applicant took suspicion on her character and then poured kerosene on her and set her ablaze.

3. There is also evidence of P.W.7 Dr. Pravin Survase, who has recorded history of homicidal burns as given by the deceased before him. The postmortem report ExH.22 proved through the evidence of P.W.4 Dr. Ajay Taware, goes to show that deceased Sindhubai has sustained 75% burns all over her body and the cause of the death was shock due to burns.

4. In view of this overwhelming evidence on record, from the mere fact that P.W.1 Sumit the son of applicant who was also

not an eye witness to the incident has not supported the case of prosecution, applicant cannot be released on bail, also considering the fact that during pendency of the trial, he was not on bail. Hence application stands dismissed.

2. Fees be paid to the the appointed advocate as per rules.

[SMT. V.K. TAKILRAMANI, J.]

[DR. SHALINI PHANSALKAR-JOSHI, J.]