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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1525 OF 2015
IN
CRIMINAL APPEAL NO.1135 OF 2015

Dipak Daulat Gunjal		Applicant.
V/s.		
The State of Maharashtra		Respondent

Mr. Aniket U. Nikam, for the Applicant.
Mr. H. J. Dedia, APP for the Respondent-State.

CORAM : SMT. V. K. TAHILRAMANI, ACTING C.J. &
DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 8TH JANUARY 2016.

ORAL ORDER : [Per: SMT. V.K. TAHILRAMANI, ACJ]

1. The applicant has been convicted under Section 302 of Indian Penal Code. The applicant is now seeking bail.
2. It is the prosecution case that the applicant poured kerosene on his wife Asha and set her on fire. The prosecution is relying on the dying declaration Exh.16 which was recorded by P.W.1 Executive Magistrate

Bhoye. In the said dying declaration, Asha has stated that her husband poured kerosene on her and set her on fire. In addition, there is oral dying declaration to P.W.9 Harish, who is the brother of Asha. Harish has stated that his sister Asha told him that her husband (applicant) poured kerosene on her and set her on fire and ran away. In addition to the above evidence, prosecution is also relying on the evidence of P.W.8 Aditya, who is son of applicant and deceased Asha. Aditya is an eye witness to the incident. Aditya has stated that he saw his father pouring kerosene on his mother and setting her on fire. Thereafter his father ran away.

3. Looking to the evidence on record, we do not think that this is a fit case to grant bail. Hence application is rejected.

[ACTING CHIEF JUSTICE.]

[DR. SHALINI PHANSALKAR-JOSHI, J.]