

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

7 CRIMINAL APPLICATION NO. 1733 OF 2017

SANTOSH S/O. DADARAO BAMNE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. U.B. Bilolikar
APP for Respondent/State : Mr. M.M. Nerlikar

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CORAM : T.V. NALAWADE, J.
DATED : April 19, 2017.

ORDER :

1. The application is filed for bail. Both the sides are heard. The papers of investigation were made available for perusal of this Court. Chargesheet is filed against the accused for offences punishable under sections 302, 498-A, 34 of the I.P.C. A statement was made by the learned counsel for the applicant that this is the first application filed for bail by the applicant in this Court.

2. Initially, the crime was registered for the offences punishable under section 307, 34 etc. of I.P.C. on the basis of statement of deceased Sunita Bamne, which is recorded on 6.8.2016. The incident in question was took place on the same day at about 5.30 p.m. between the deceased and the present applicant, who is husband of deceased. In that statement, Sunita had contended that husband was asking her to bring money from

her parents and on that count, on that day, he picked up quarrel and poured kerosene on her person and set fire to her. It is contended that after setting fire to her he ran away and the deceased somehow extinguished the fire and neighbours like Vithal Bhosle and Nivrutti Bhosle shifted her to hospital. She died on 11.8.2016 in the hospital. The dying declaration was recorded through Special Judicial Magistrate and which is consistent with the aforesaid statement given by the deceased. She died due to 90% superficial to deep burn injuries.

3. In view of the aforesaid material and spot panchanama, P.M. report, this Court holds that there is more than sufficient material to make out the case for the offence of murder against the applicant. There is possibility of tampering with the prosecution witnesses. In view of these circumstances, this Court holds that it is not a fit case to grant the relief.

4. In the result, the application stands rejected. The Trial Court is to dispose of the case expeditiously and in any case, within six months from the date of receipt of this order. The observations are for the purpose of present proceeding only.

[T.V. NALAWADE, J.]

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