

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION No. 72 OF 2017

Ganesh Shankar Paraskar	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Sidheshwar N. Biradar, Advocate for the applicant.
Mr. Sooraj S. Hulke, APP for the respondent/State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **12th January, 2017.**

P.C.:

This Application is moved by the applicants/accused for bail under section 439 of Criminal Procedure Code. The applicant/accused is facing charges under sections 302, 307, 323, 498A, 504, 506 r/w. 34 of Indian Penal Code in C.R. No. 226 of 2015 registered with Saswad Police Station, District Pune.

2. it is the case of the prosecution that deceased Manisha got married to applicant on 16th April, 2015. Thereafter she started residing with her husband. There was continuous harassment by the applicant/accused and his mother in various ways. On 11th September, 2015, she and her husband went to Jejuri for darshan and returned back. On that night her husband/applicant threatened her that he will pour kerosene on her and burn her. On the same night at around 4.30 a.m. when she was fast asleep, her husband/applicant poured kerosene on her and ignited

matchstick and set her on fire. When she was ablaze, she cried for help. By hearing her cry, her cousin Shivaji Ramdas Nagulkar and neighbour Amol Padmakar Satav rushed to the spot. They found that she was in flames. They extinguished the fire and admitted her to the hospital. At the time of admission, she gave history of accidental death due to explosion of stove but subsequently on 13th September, 2015 she gave complaint against her husband that he poured kerosene on her and set her on fire. Pursuant to the information, the offence was registered initially under section 307, 498A. However, as she has sustained 90% burn injuries, she succumbed to death on 14th September, 2015, section 302 was added. The applicant/accused was taken in custody on 14th September, 2015 and hence this Bail Application.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused is innocent. As per the first information of the deceased to the police and medical officer, she got burnt due to explosion of stove and it is accidental death. There is discrepancy in the dying declaration and therefore, the applicant/accused who has not committed any offence be bailed out.

4. Learned APP opposed the Application and relied on the statement of the complainant.

5. Perused the statement of Shivaji Ramdas Nagulkar and Amol Padmakar Satav. These two witnesses had visited the spot after hearing the cries of Manisha. At that time, they have seen applicant/accused present in the house holding kerosene can and matchstick. Manisha in her statement and dying declaration has specifically mentioned that her husband set her on fire. The incident of murder has taken place within 6 months from the date of marriage. Hence, Bail Application is rejected.

(MRIDULA BHATKAR, J.)