

nsc.

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL BAIL APPLICATION NO.951 OF 2017

Shahaji Rama Jadhav	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.V.D.Raut, for the Applicant.

Ms.S. S. Kaushik, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 14th JUNE, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.390 of 2016 registered with the M.I.D.C. Bhosari Police Station, Pune for the alleged offence punishable under Section 302 of the Indian Penal Code.
3. Perused the papers. The FIR is lodged by the applicant's wife

deceased – Rekha. In the complaint, Rekha had stated that the incident took place on 1st December, 2016 at about 11.00 a.m. when she alongwith the applicant were in the house. She had stated that when she demanded money from the applicant for bringing milk, the applicant got enraged and poured kerosene on her person and set her ablaze. She had further alleged that on hearing her cries, her parents came to the spot and admitted her to the hospital. Rekha has also disclosed the aforesaid to her parents and neighbours. Deceased – Rekha succumbed to her injuries on the next date i.e. on 2nd December, 2016.

4. Learned Counsel for the applicant states that the applicant was not present at the spot at the time of the alleged incident and was at the bus stop and on being informed came home and took Rekha to the hospital. He submitted that the police have not investigated the CDR records of the applicant. A perusal of the dying declaration (FIR) of the deceased – Rekha shows, that it was the applicant who assaulted her and poured kerosene on her person and set her ablaze. The said dying declaration is consistent with the oral dying declarations made by Rekha to her parents and neighbours. When the applicant was arrested, the clothes on his person were seized and

the same were smelling of kerosene. The spot panchanama also shows the finding of kerosene at the spot.

5. Considering the aforesaid, there is enough material to show the complicity of the applicant. Hence, this is not a fit case to enlarge the applicant on bail.

6. Hence, the Application for bail is rejected and disposed of as such.

7. It is made clear that the observations made herein are *prima facie* for deciding the aforesaid application, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)