

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

BAIL APPLICATION NO. 1561 OF 2017

Bapurao Gulabrao Shirsat

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Satyavrat Joshi for the Applicant.

Mr. S.H. Yadav for the Respondent.

CORAM : A.S.GADKARI, J.

DATE : 12th SEPTEMBER, 2017

P.C.:

. This is an application under Section 439 of Cr.P.C. for bail in C.R. 158 of 2016 dated 14.07.2016 registered with Khadki Police Station, District Pune under Section 302 of the Indian Penal Code.

2 Applicant is the husband of deceased Mrs. Asha Shirsat. It is the prosecution case that on 12.07.2016 at about 7.30 p.m. there was quarrel between the applicant and deceased Mrs. Asha and at that time, the applicant took a can containing kerosene and poured it on the person of Mrs. Asha and ignited with a match stick. Mrs. Asha was immediately admitted to the hospital by he neighbours. She succumbed injuries on 14.07.2016. That after her admission to the hospital on 12.07.2016, the police have recorded her statement as first Dying Declaration. That on 12.07.2016 in her first Dying Declaration, the

deceased did not implicate the Applicant and has stated that due to the quarrel in a fit of rage, she immolated herself. Her second dying declaration was recorded on 14.07.2016, wherein she has narrated a different version and has implicated the Applicant as a culprit behind the crime. As stated earlier, Mrs. Asha succumbed injuries on 14.07.2016 and thereafter the present crime is registered. During the course of investigation, Applicant came to be arrested on 14.07.2016 and after completion of investigation, police have submitted chargesheet.

3 The record indicates that in her first dying declaration recorded on 12.07.2016, the deceased has stated that due to quarrel between the Applicant and herself, she got annoyed and poured kerosene on her person and ignited match stick, due to which, she got burnt. Her said version is corroborated by an eye witness to the said incident namely Mr. Pappan @ Balasaheb Shirsat, who was present in the house at the relevant time. The said witness has stated that when the quarrel between Applicant and his wife was going on, the deceased under a fit of rage poured kerosene on her person and ignited match stick. He has further stated that he poured water on the person of Mrs. Asha and helped the Applicant and other persons in taking the deceased to hospital. In the second dying declaration, the deceased has implicated the Applicant by narrating a total different version. There are more than one dying declarations on record. The first dying declaration dated 12.07.2016 has been corroborated by the alleged version of eye witness namely Pappan @ Balasaheb Shirsat .

4 In view of the above, the Applicant has made out a case for his release on bail.

Hence, the following order:-

i) Applicant be released on bail in C.R. 158 of 2016 dated 14.07.2016 registered with Khadki Police Station, District Pune on his furnishing PR Bond of Rs.20,000/- with one or two solvent local sureties in the like amount.

ii) After his release from jail, Applicant shall attend Khadki Police Station on every first Monday of the month between 10.00 a. m. to 12.00 noon.

iii) Applicant shall also attend all the dates before the Trial Court.

iv) Any two consecutive defaults in compliance with the aforesaid conditions will attract the provisions of cancellation of bail.

v) Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.

vi) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)