

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

CRIMINAL BAIL APPLICATION NO.1652 OF 2017

Mallikarjun @ Pandurang Madelappa Tanshal	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr. Vikrant V. Phatale for the Applicant.

Mr. S. V. Gavand, APP for the Respondent - State.

**CORAM : T. V. NALAWADE, J.
DATE : 21st AUGUST 2017**

PC.

1 The application is filed for bail in C. R. No.283 of 2016 registered in Chaturshingi Police Station for the offences punishable under Section 302, 307, 323 and 504 of the Indian Penal Code.

2 Both the sides are heard. Papers of investigation are made available for perusal of this Court.

3 The material collected shows that Applicant is the cousin of deceased Bassamma. The incident in question took place on 01.07.2016 at about 1.30 p.m. The Applicant had visited the Bassamma and it is contended that deceased was asking the Applicant to return the loan given by her to the Applicant as hand loan. The quarrel took place over the return of the amount. Allegations are made that during quarrel

accused poured the kerosene on her person and set her on fire.

4 The material collected shows that dying declaration was firstly recorded on 02.07.2016 in question answer form and secondly recorded on 03.07.2016. The Learned APP drew this Court's attention to the statement of witness Lalasaheb Shaikh dated 06.07.2016 which shows that immediately deceased disclosed to him that the Applicant had set her on fire. There is inconsistency in the dying declaration and witnesses also. The Applicant is behind the bars since 26.08.2016. Considering the relationship between deceased and the Applicant in the aforesaid circumstances, it is not desirable to keep the applicant behind the bars. In the result, application is allowed. The Applicant is to be released on bail on his furnishing P.B. and S.B. of Rs.15,000/-. The Applicant is not to tamper with the prosecution witnesses. He is not to commit similar offence.

[T. V. NALAWADE, J]