

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 1401 OF 2016
IN
CRIMINAL APPEAL No. 730 OF 2016

Manju Dilip Shukla. ..Applicant.
Versus
State of Maharashtra. ..Respondent.

Mr. S. V. Marwadi i/b Anuradha Pardeshi for the Applicant.
Mrs. M. M. Deshmukh, APP for the State.

Coram : Ranjit More &
Dr. Shalini Phansalkar-Joshi, JJ.
Date : **February 16, 2017.**

P. C. :

1. Heard Mr. Marwadi, the learned Counsel appearing for the Applicant and learned APP for the State. Application is filed for bail during the pendency of appeal.

2. The Applicant along with her husband were prosecuted for the murder of Applicant's sister-in-law. The Applicant's husband was acquitted of the charge, however, the Applicant was convicted for the offence punishable under section 302 of the Indian Penal Code, 1860 and sentenced to suffer life imprisonment. The Applicant is convicted on the basis of two dying declarations. One was recorded by the Investigating Officer and another one is recoded by the Special Executive Magistrate. These dying declarations are consistent to the effect

that the present Applicant had poured kerosene on the person of deceased and set her ablaze. Mr. Marwadi, the learned Counsel appearing for the Applicant however relies upon the history given by the deceased to doctor at the time of admission of deceased in the hospital. In this history, she had stated that she had set herself ablaze. However considering extent of injuries, i.e., 95%, the same was not rightly accepted by the trial Court. Taking totality of facts and circumstances of the case into consideration, we are not inclined to release the Applicant on bail. Application is, therefore, rejected.

[Dr. Shalini Phansalkar-Joshi, J.]

[RANJIT MORE, J.]