

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 281 OF 2016
IN
CRI. APPEAL NO. 585 OF 2014**

Vinayak @ Vinod Laxman Pawar .. Applicant

Vs.

The State of Maharashtra .. Respondent

....

Ms. Nasreen S.K. Ayubi Advocate appointed for Applicant
Mr. Arfan Sait APP for State

....

**CORAM : SMT.V.K.TAHILRAMANI ACTING C.J.
& DR. SHALINI PHANSALKAR-JOSHI J.
DATED : JULY 18, 2018 IN CHAMBER
AT 2.45 P.M.**

ORAL ORDER [PER SMT. V.K.TAHILRAMANI, ACJ.]:

1 Heard both sides.

2 The applicant has been convicted under Section 302 of IPC for committing the murder of his wife Vidya by setting her on fire. The applicant is now seeking bail.

3 The applicant has earlier preferred two applications for bail. Both the said applications were rejected by this Court. This is the 3rd bail application preferred by the applicant.

4 The evidence on record shows that the applicant on 3.11.2010 poured kerosene on his wife Vidya and set her on fire. There are two dying declarations on record, one is at Exh. 52

which was recorded by PW 6 Shri. Surendra Bhoje, Executive Magistrate. In this dying declaration, Vidya has stated that her husband i.e. the applicant set her on fire. In addition, the prosecution is relying on oral dying declaration made by Vidya to the Medical Officer i.e. PW 2 Dr. Anand Joshi. PW 2 Dr. Joshi examined Vidya immediately after Vidya sustained injuries. P.W 2 Dr. Joshi has stated that Vidya has stated that the applicant set her on fire. In view of the evidence on record and in view of the fact that there is no fresh ground brought on record to necessitate the reconsideration of the prayer for bail, the application for bail is rejected, however, hearing of the appeal is expedited.

5 Office to communicate this order to the applicant who is in Kolhapur Central Prison, Kalamba, Kolhapur.

DR. SHALINI PHANSALKAR-JOSHI, J.

ACTING CHIEF JUSTICE

Jayant
Digambarrao
Kandarkar

Digitally signed
by Jayant
Digambarrao
Kandarkar
Date:
2018.07.19
14:54:38 +0530