

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 462 OF 2019

Shehenshah Mukhtar Maniyar

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Ms. Jayashree Tripathi I/by Udaynath Tripathi for the Applicant.

Mr. Amit Palkar APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 18th MARCH, 2019.

P.C.:-

This is an Application under Section 439 of the Code of Criminal Procedure for bail in CR No. 153 of 2018 dated 25th May, 2018 registered with Shantinagar Police Station, Bhiwandi, District Thane under Section 302 of the Indian Penal Code.

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the charge-sheet.

3 The first information report dated 25th May, 1998 is lodged by Shri. Ashpakali Azgar Ali Maniyar, the husband of Smt. Parvin (Deceased). It is alleged that, due to bickering arising out of the sale transaction of Auto-Rickshaw, the Applicant got annoyed and on 18th April, 2018 at about 11.30 a.m. to 11.45 a. m. the Applicant poured

kerosene on the person of Smt. Parvin and ignited the same. Smt. Parvin succumbed to injuries on 22nd April, 2018. The Applicant was arrested on 26th May, 2018 and after completion of investigation, police have submitted charge-sheet.

4 Perusal of charge-sheet would indicate that, the statement of Smt. Parvin (deceased) was recorded immediately on 18th April, 2018 by the police attached to J.J. Marg Police Station, Mumbai wherein, she has stated that, she received burns due to the accident of stove while cooking the food in her house. The said version is thereafter, repeated in the dying declaration dated 19th April, 2018 recorded by the Executive Officer, Mumbai City.

5 In this background, the husband of the deceased has lodged the present crime after about a month of the incident by narrating a totally different version.

Prima facie, it appears that, the said two dying declarations are consistence with each other and about an incident occurred on 18th April, 2018 at about 11.30 a.m. at the residence of the deceased.

6 In view of the above Applicant can be released on bail.

Hence, the following order.

- a) The Applicant be released on bail in CR No. 153 of 2018 dated 25th May, 2018 registered with Shantinagar Police Station, Bhiwandi, District Thane on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.
- c) The Applicant shall attend all the dates before the Trial Court unless precluded on medical reasons.
- d) Any two consecutive defaults in complying with the afore-stated conditions will attract the provisions of cancellation of bail.
- e) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

7 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)