

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

**CRIMINAL APPLICATION NO.228 OF 2019
IN
CRIMINAL APPEAL NO.82 OF 2019**

Santosh Basavraj Gaikwad ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr. Vikrant V. Phatate for the applicant.

Mr. H. J. Dedhia, APP for the Respondent/State.

**CORAM : B. P. DHARMADHIKARI &
MRS. SWAPNA S. JOSHI, JJ.**

DATE : 10/07/2019.

P.C.:

. Heard respective counsel. We find that apart from oral dying declaration there are two dying declarations at Exhibit 30 and Exhibit 45. The effort of applicant is to show inconsistencies in dying declarations.

2. We find that Exhibit 30 on record is in printed proforma and therefore information required in that proforma has been filled. Other dying declaration obtained on same day is in the shape of statement and therefore contains more details. Those details do not militate with the essential narration of events in Exhibit 30.

3. Deceased has stated that after pouring kerosene on her person and igniting her, when she started shouting, her husband tried to extinguish fire by putting blanket on her person. She was then lifted and left outside the house.

4. The injuries sustained by applicant do not imply that deceased had committed suicide. His conduct becomes relevant. He has not immediately taken her to hospital or has not lodged police report.

5. In this situation, we find no case made out for release of the applicant on bail. The application is rejected.

(MRS. SWAPNA S. JOSHI, J.)

(B. P. DHARMADHIKARI, J.)