

Anand

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

CRIMINAL APPLICATION NO. 1447 OF 2018

IN

CRIMINAL APPEAL NO. 1053 OF 2018

Patterao Dattu Saravade

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. S. H. Deokar a/w Mr. R. L. Dharap, Advocate, for the
Applicant

Mrs. P. P. Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 19.03.2019

P.C.

. Heard learned counsel for the Applicant and the
learned APP for the Respondent – State.

2. By this Application, the Applicant seeks suspension of
his sentence pending the hearing and final disposal of his Appeal,
being Cri. Appeal No. 1053 of 2018.

3. Learned counsel for the Applicant submits that a

perusal of the Dying Declaration (Exh. 40) shows that the deceased – Nitu in a fit of anger set herself ablaze. Learned counsel relied on the answer to question Nos. 4 & 5 of the said Dying Declaration. He further submits that the Applicant also sustained injuries when he tried to extinguish the fire to save Nitu.

4. Perused the papers. A perusal of the Dying Declaration (Exh. 40) in particular, answer to question Nos. 4 & 5 reveals that Nitu (deceased) set herself ablaze, as her husband i. e. the Applicant would threaten to set her on fire and hence, she decided to do it herself. The deceased has stated that she poured Kerosene on her person and set herself ablaze, thinking that she would sustain minor injuries, however, there was a sudden blast. It appears that the Applicant attempted to save his wife and in the process, sustained injuries on his face, chest, abdomen, hands etc. It is not in dispute that the Applicant whilst on bail during trial, has not misused / abused his liberty. The Appeal is not likely to be heard in the immediate near future.

5. Considering the aforesaid, the Application is allowed and the Applicant's sentence is suspended and he is enlarged on bail pending the hearing and final disposal of his Appeal, on the following terms & conditions :-

O R D E R

(i) The Applicant be released on bail on his furnishing P. R. Bond in the sum of **Rs. 20,000/-** with one or two local sureties in the like amount;

(ii) The Applicant shall report to the Pandharpur Police Station once in three months, commencing 1st Saturday of April/May, 2019, (depending on his release), till the conclusion of the Appeal;

(iii) If there are two consecutive defaults in appearing before the Pandharpur Police Station, the prosecution will be at liberty to apply for cancellation of the Applicant's bail.

6. The Application is, accordingly, disposed of.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)