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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3393 OF 2018

Deepak Jitin More ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

Mr.Anilkumar K.Patil for the applicant.

Mr.S.S.Hulke, APP for the respondent-State.

CORAM: NITIN W. SAMBRE, J.

DATE : JANUARY 3, 2019

P.C.:-

Heard learned counsel for the applicant.

2. The applicant herein was married to deceased Priyanka on April 26, 2015, who died of burn injuries.

3. The said Priyanka gave three dying declarations two of them dated April 1, 2017 and April 2, 2017.

4. After the first dying declarations, the applicant was

implicated in the last two dying declaration. Whereas, in the first dying declaration, the story of the victim Priyanka was that she caught fire by accident which she has explained in the first dying declaration whereas in later two, she implicated all the family members of the applicant.

5. The applicant was arrested on April 4, 2017 in Crime No.30/2017 for the offences punishable under section 307, 498(A), 323, 504, 506 read with 34 of the Indian Penal Code registered with Malegaon Camp police station, District Nashik .and for the last more than 20 months, the applicant is behind bars.

6. Apart from above, all the family members of the applicant are named as accused and are already released on bail.

7. In the aforesaid background, though the prayer for bail is opposed by the learned APP in the wake of provisions of section 113A of the Evidence Act, in my opinion, the applicant's further detention is of no consequence, particularly, after being charge-sheeted is in custody for more than 20 months. Apart from above, the contradictions in dying declaration can be appreciated at appropriate stage That being so, the application needs to be

allowed. Hence the order :-

- (i) The applicant is ordered to be released on bail on his executing P.R. bond of Rs.15,000/- with two sureties in the like amount in Crime No.30/2017 for the offences punishable under section 307, 498(A), 323, 504, 506 read with 34 of the Indian Penal Code registered with Malegaon Camp police station, District Nashik.
- (ii) The applicant shall not tamper with the evidence or influence the witnesses.
- (iii) Two consecutive absence of the applicant before the Sessions Court will entail the Sessions Court to take appropriate proceedings for cancellation of bail if so desired.
- (iv) The application stands allowed in the above terms.

(NITIN W. SAMBRE, J.)