

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3010 OF 2019

Zarina Shahrukh Khan

...Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Deepak Gautam, Advocate for the applicant.

Mr. S.R. Agarkar, APP for Respondent-State.

CORAM : SANDEEP K. SHINDE, J.**Tuesday, 21st January, 2020.****P.C. :**

Heard.

1. Amina died within ten months, from the date of her marriage, and that too in her matrimonial house, due to Septicemia with 53% superficial deep burns. Amina in her dying declaration dated 29.04.2018 attributed role to the applicant. The evidence, shows Amina was set on fire by the applicant (sister-in-law), another sister-in-law and her husband. Additionally, allegations against the applicant, are corroborated by the witnesses, whose statements are recorded under Section 164 of the Code of Criminal Procedure, 1973. I have no reason to disbelieve the dying declaration at this stage.

Amina succumbed to injuries four days after the incident and thereafter offence under Section 302 was registered. Contention of the applicant is that she is a lady and has a two year old child. Additionally, it is submitted that the trial may not commence in the near future. Besides counsel for the applicant has pointed out contradiction in the statement of witnesses which, in my view are not relevant. Taking into consideration the gravity of offence, which is punishable with life imprisonment or death; the nature of the accusation against the applicant and the evidence on record, the application is rejected.

2. However, the learned Sessions Court is requested to conclude the trial in Sessions Case No. 330/2018 preferably before 31st December, 2020.

(SANDEEP K. SHINDE, J.)