

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

**BAIL APPLICATION NO.3305 OF 2019**

Sunil Jayprakash Singh ... Applicant  
Vs  
The State of Maharashtra ... Respondents  
...

Mr. Sharad Ghadge with Deepak Jaiswal for the Applicant.

Mr. R.M.Pethe, APP for the Respondent-State.

API S.G.Pawar attached to Dindoshi P.Stn. Present.

**CORAM : SANDEEP K. SHINDE J.**  
**DATE : 24<sup>th</sup> FEBRUARY, 2021.**

**P.C. :**

Heard learned counsel for the applicant and the learned Additional Public Prosecutor for the State.

2 Applicant seeks his enlargement on bail in connection with Crime NO.162 of 2019 registered with Dindoshi Police Station for the offence punishable under Section 302 of the Indian Penal Code, 1860.

3           Applicant is husband of the deceased, Priyanka Sunil Singh. Complaint was lodged on the basis of statement of the Priyanka recorded on 9<sup>th</sup> April, 2019 by the Assistant Police Inspector attached to Dindoshi Police Station. Priyanka alleged that on 8<sup>th</sup> April, 2019 at around 9 p.m., her husband set her ablaze, where-in, she sustained severe burns. Prosecution has relied on statement, as her Dying Declaration. It appears, deceased was hospitalised whereafter her second statement was recorded by the Executive Magistrate. Prosecution relies on these two statements as, Dying Declarations, of Priyanka Sunil Singh.

4           I have perused both, the Dying Declarations and the first, spot panchanama drawn at 02.00 hours on 9<sup>th</sup> April, 2019. Prima-facie, there is material variance in the statement of the deceased and in fact, second dying declaration and first spot panchanama, suggest that Priyanka Sunil Singh sustained burns in self-immolation bid.

5           Be that as it may, the first spot panchanama suggests that kitchen door was locked from inside where the alleged incident had taken place. Besides, the prosecution has also not recorded statements of deceased's children, who were present in the house and also omitted to record the statement of the persons, who had removed and admitted deceased to the hospital.

6           Applicant is in custody since 11<sup>th</sup> April, 2019. Investigation is over. Prima-facie, there is material inconsistency in two successive dying declarations as noted above.

7           Thus, in consideration of the facts of the case, application is allowed. Hence, following order:

**ORDER**

(i) The applicant in Crime No.162 of 2019 registered with Dindoshi Police Station, shall be released on executing PR bond for the sum of Rs.25,000/- with one or more sureties in like sum.

(ii) The applicant shall furnish his permanent residential address and contact number to the Investigating Officer within seven days from the date of his release on bail.

(iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case

(iv) The applicant shall attend concerned police station as and when called and co-operate in the investigation.

8 The application is accordingly allowed and disposed of.

9           It is made clear that observations made here-in-above be construed as expression of opinion for the purpose of bail only and the same shall not in any way influence the trial in other proceedings.

**(SANDEEP K. SHINDE, J.)**