

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

**CRIMINAL APPLICATION IN APPEAL NO.794 OF 2019
IN
CRIMINAL APPEAL NO. 852 OF 2019**

Meenabai Lobaji Gaikwad ...Applicant/Appellant

Versus

The State Of Maharashtra ...Respondent

Mrs. Savita Prabhune, appointed Advocate for Applicant/Appellant.

Mrs. M. H. Mhatre, APP for Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 8th DECEMBER, 2022.

P.C.:-

. This is an application for suspension of sentence and releasing the Applicant/Appellant on bail.

2. Heard Mrs. Prabhune, learned Advocate appointed by Legal Aid Committee to represent Applicant/Appellant and Mrs. Mhatre, learned APP for State. Perused record.

3. The name of deceased is Savitra Vijay Gaikwad, who is the daughter-in-law of Appellant. The date of incident is 17th April, 2013. It is the allegation against the Appellant that, she used to demand dowry from the deceased which she was unable to fulfill. It is alleged that, on the faithful day the Appellant demanded certain amounts for releasing her

ornaments from the Jeweller. As the deceased was unable to fulfill the demand, the Petitioner took a can containing kerosene and emptied it on the person of the deceased and ignited with matchstick. Deceased suffered about 60% burn injuries. She was thereafter, admitted to the hospital by her husband and other persons. After she was admitted to hospital, the Police Sub-Inspector attached to Hinjewadi Police Station, Pune recorded her dying declaration. PW-3-Dr.Aditya R. Kunte, attached to the Sassoon General Hospital Pune had put endorsement on the said dying declaration stating that, the patient was well oriented and was fit to give statement. The said dying declaration is at exhibit-29. In her dying declaration, the deceased has reiterated what has been stated herein above.

4. Perusal of evidence of PW-3-Dr.Aditya R. Kunte, who has put her endorsement on dying declaration, Police Inspector Subhash Jadhav- (PW-5) attached to Wakad Police Station, Pune, who recorded the said dying declaration and PW-7-Dr. Vijay C. Rathod, Medical Officer, Sassoon General Hospital, Pune, who conducted autopsy on the dead body of deceased, *prima facie* reveals that, the death of deceased was extremely painful due to the burn injuries suffered by her.

5. In view thereof, we are of the opinion that, the Appellant does not deserve to be released on bail.

6. Application is accordingly dismissed.

7. As the Appellant is in jail since 17th April, 2013, Registry is

directed to list the Appeal on final hearing Board from the week commencing from 2nd January, 2023.

(PRAKASH D. NAIK, J.)

(A. S. GADKARI, J.)