

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3103 OF 2022**

Dhananjay Rambhau Andre ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Vikas Shivarkar for the Applicant.
Mr. Amit Palkar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 7 DECEMBER 2022

P.C. :-

This is an application under Section 439 of the Code of Criminal Procedure.

2. The applicant came to be arrested in Crime No. 86 of 2022 registered at Khandeshwar police station for the offences punishable under Section 302 read with 34 of Indian Penal Code.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

4. The case is based on dying declaration. According to the prosecution the applicant and co-accused in the present crime were annoyed with the deceased Gauri Kedari as she was not returning

their money which she took from them on the pretext that she would get them appointed in government service. It is alleged that thus on the day of incident, which took place on 15 March 2022, the present applicant came to the house of the deceased Gauri Kedari and poured the petrol on her person so also on the person of the deceased Sarita Patade, who was residing with the deceased Gauri Kedari and set them on fire.

5. There are in all four dying declarations of the deceased Gauri Kedari. There is nothing incriminating against the present applicant in first three dying declarations out of which one is recorded by the Executive Magistrate. Considering the facts and circumstances of the case, I am inclined to release the present applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 86 of 2022 registered at Khandeshwar police station for the offences punishable under Section 302 read with 34 of Indian Penal Code on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)