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

BAIL APPLICATION NO.3935 OF 2023

1. CHANDRAKANT MACCHINDRA BABAR
2. AUDUMBAR MACCHINDRA BABAR ..APPLICANTS
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. D. S. Mhaispurkar for the applicants.
Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 14, 2023

P.C. :

1. Heard learned counsel for the applicants and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Sections 302, 307, 436, 504, 506 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 20.08.2022 vide C.R. No.617 of 2022 with Karmala Police Station, District Solapur.

3. The allegation is that the accused which includes the present applicants poured some inflammable substance on the victim and set him on fire. The date of the incident is

20.08.2022. The victim succumbed to burn injuries on 24.08.2022.

4. Learned counsel for the applicants submitted that there were some civil disputes pending between the accused and the deceased. It is further submitted that because the accused have succeeded in the civil disputes that the deceased had a grudge against them. This was so mentioned by him to one of the witness. The deceased wanted to teach the accused a lesson. It is then submitted by learned counsel for the applicants that panchanama would reveal that fire took place in such a manner that belies the narration of the deceased. Learned counsel for the applicants submitted that the immediate conduct of the deceased in not mentioning the names of the applicants to anyone creates a doubt on the prosecution story. I am of the opinion that most of the contentions raised by the learned counsel for the applicants are subject matter of trial.

5. The statement of the deceased which was recorded after he was hospitalised would clearly reveal that it is the

present applicants who had poured some inflammable substance on the deceased and thereafter set him on fire. The statement of the mother of the deceased supports what has been stated by the deceased. In the facts and circumstances of the present case I am not inclined to enlarge the applicants on bail.

- 6.** Liberty to the applicants to apply for bail at a later stage depending on the progress of the trial.
- 7.** The application is rejected.

(M. S. KARNIK, J.)