

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

CRIMINAL BAIL APPLICATION NO. 3479 OF 2024

Anil Machindra Baber ...Applicant
Versus
The State of Maharashtra ...Respondent

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Mr. Aniket Nikam i/by Mr. Sumit Patil a/w Mr. Dushyant Digamber,
Advocate for the Applicant.

Mr. C. D. Mali, A.P.P. for the Respondent – State.

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CORAM : N. R. BORKAR, J.
DATE : 22nd JANUARY, 2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 617 of 2022 registered at Karmala Police Station, District: Solapur, for the offences punishable under Sections 302, 307, 436, 504, 506 read with Section 34 of the Indian Penal Code, 1860.
3. There was a property dispute between the family of the applicant and the family of the deceased. It is alleged that on the date of incident which took place on 20.08.2022, at about 2:30 a.m., the present applicant along with other two

co-accused came to the house of the deceased and at that time they were carrying a can containing petrol. It is alleged that they poured petrol on the person of the deceased and set him on fire. It is alleged that the deceased died due to burn injuries sustained by him in the incident.

4. The learned counsel for the applicant submits that no specific overt act is attributed to the present applicant. It is submitted that intent was not to kill the deceased and the same is apparent from the dying declaration of the deceased. It is submitted that the applicant is in jail for more than two and half years and trial is still at the stage of framing of charge. The learned counsel submits that considering the over all facts and circumstances of the case, the applicant be released on bail.

5. On the other hand, the learned A.P.P. for the Respondent-State submits that the intent of the applicant and co-accused was to kill the deceased and the same is apparent from the fact that they were carrying petrol with them. It is submitted that in such situation the applicant cannot take benefit of the fact that no specific overt act is attributed to

him. It is submitted that considering the nature of offence, the applicant may not be released on bail.

6. In the facts and circumstances of the case, I am not inclined to accept the submission that intent was not to kill the deceased. The fact that the applicant and co-accused were carrying petrol shows their intent. Considering the nature of offence, I am not inclined to release the applicant on bail.

7. The application is rejected. However, considering the fact that the applicant is in jail for more than two and half years, the trial Court shall make an endeavour to conclude the trial as expeditiously as possible.

(N. R. BORKAR, J.)