



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.30 OF 2026

Hina Nurkhan Pathan

... APPLICANT

VERSUS

The State of Maharashtra & anr.

... RESPONDENTS

.....
Mr. B.S. Hashmi, Advocate for applicant
Mr. G.O. Wattamwar, A.P.P. for respondent – State
.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 30th JANUARY, 2026

PER COURT :

1. By this application, the applicant seeks release on regular bail in connection with Crime No.282/2025, registered with Renapur Police Station, District Latur for the offences punishable under Sections 103(1), 109 and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. The F.I.R. is registered on the basis of the dying

declaration of the deceased Fatima w/o Taufiq Qureshi, in which it is stated that, on 24/7/2025, her husband and his friend (the present applicant) had gone for roaming and thereafter returned at about 10.00 p.m. along with the present applicant. At that time, the deceased Fatima questioned and indicated that she will self immolate herself and would die. In response to the same, her husband Taufiq told that, he will himself set her on fire and poured petrol on her person and the present applicant lighted a match stick and thrown on her person. It is further stated that, her mother-in-law namely Faimun closed the door and Shafiq Qureshi closed the door from outside. Thereafter somebody poured water on her and husband rushed her to the Government Hospital at Latur. She had sustained burn injuries to the extent of 69%.

3. Learned counsel for the applicant submits that, the incident occurred on 24/7/2025 and the F.I.R. came to be lodged on 25/7/2025. As such there is delay of 14 hours in lodging the F.I.R. The case is based on the dying declaration of the victim and the victim was not in the state of mind to give the statement. As such, prayed for allowing the application.

4. Per contra, learned A.P.P. vehemently opposed the

application contending that the statement of the informant has been recorded in the hospital before the police authorities, in which it has been specifically mentioned that the present applicant set her on fire and the same has been corroborated in the dying declaration. Learned A.P.P. ultimately urged for dismissal of the application.

5. After having heard learned counsel for both the sides and perusal of the record, the role of the present applicant is specifically stated by the victim in her dying declaration that immediately after having poured the petrol on the person of deceased by accused No.1, the present applicant lit the matchstick and set the deceased on fire. Even the other accused persons ensured closure of doors confining that the deceased is burnt. This role of each of the accused is narrated specifically by the deceased and the same is further maintained in her dying declaration also. The deceased sustained 69% burn injuries. The cause of death is due to shock due to burns.

6. The Hon'ble Apex Court in case of **State of UP through CBI Vs. Amaramani Tripathi [(2005)8 SCC 21]**, has held that the Court must evaluate the prima facie evidence indicating the applicant's involvement. If such evidence is credible and supports

the accusations, bail may be refused. As stated earlier, the prosecution has prima facie collected overwhelming evidence against the present applicant.

7. Similarly, the Hon'ble Apex Court in case of **Pralhad Singh Bhati Vs. NCT, Delhi [(2001)4 SCC 280]**, held that on satisfaction of prima facie evidence establishing the guilt of the accused, the bail can be denied.

8. Similarly, the Hon'ble Apex Court in case of **Ram Govind Upadhyay Vs. Sudarshan Singh [(2002)3 SCC 598]**, has held that a judicial discretion in granting bail must not be exercised whimsically, especially in heinous offences.

9. The Hon'ble Apex Court in case of **State of Bihar Vs. Amit Kumar [(2017)13 SCC 751]**, has held that delay especially in cases involving serious offences, cannot by itself be a ground for bail. Considering the seriousness of the offence involved, the overwhelming material weighs against the applicant.

10. In the light of the aforesaid precedents, it is evident that the applicant prima facie lit up the matchstick and set the victim on fire. This fact is substantiated by the statement of victim and

further corroborated by the medical report. As such, I am not inclined to exercise discretion in favour of the applicant. Resultantly, the bail application stands rejected.

(SACHIN S. DESHMUKH, J.)

fmp/-