

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4202 OF 2025

Vaijanath @ Shivam Maruti Sawale	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondents

Ms. Manisha Jadhav, with *Kamble Sayabanna K*, for the Applicant.
Mr. A.R.Kapadnis, APP for the Respondent-State.

CORAM: R. M. JOSHI, J.
DATED: 18th APRIL, 2026.

PC:-

1. Learned counsel for the Applicant submits that there is an allegation against both the Accused of setting the deceased on fire on the fateful day. However, from the statements of the witnesses, it is clear that the Accused No.2 was not present at the spot. It is further argued that the deceased though met with the incident on 4th November 2020, she died in Hospital on 12th November 2020. It is contended that it was possible for the Investigating Agency to record her dying declaration, however, the same has not been done. It is argued that the Accused No.2 is not arrested till date. She further claims that the Applicant is in jail from 5th November 2020 and even, charge is not framed till date. She therefore, seeks bail on these grounds amongst the other.

2. The learned APP opposes the Application by pointing out statement of the Informant as well as neighbouring witnesses. It is his contention that whether the Accused No.2 was present at the spot of the incident or not, is a matter of trial and not to be considered at this stage. He also drew attention of the Court to the Post-mortem Notes, indicating this, to be homicidal death on account of burns sustained by the deceased. Considering the seriousness of the crime, he opposes the bail. He however, seeks time to make statement after obtaining instructions with regard to the arrest of the Co-accused as well as non-recording of dying declaration of the deceased.

3. At his request, stand over to **20th April 2026. Part-heard.**

(R. M. JOSHI, J.)

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