

SNS

**IN THE HIGH COURT OF JUDICATURE AT MUMBAI
APPELLATE CRIMINAL JURISDICTION
CRIMINAL BAIL APPLICATION NO.241 OF 2011**

Mahesh Popat Alhat

...Applicant.

v.

State of Maharashtra

...Respondents.

Mr. Prashant Patil i/by Shri R.R.Hande ,advs. For the Applicant.

Smt.R.V.Newton, APP the Respondent/State.

CORAM : J.H. BHATIA, J.

DATED : FEBRUARY 28, 2011.

P.C.

1 Applicant seeks to be released on bail in Crime No.333 of 2010 registered at Bundgarden police station under Section 302 of the I.P.C.

2 Heard the learned counsel for the Parties. Prosecution case, in brief, is that the deceased Sangita and the present applicant were married about 10 years before her death. It was a love marriage and they had also two children. On 14.8.2010 at about 10.30 p.m. Sangita suffered burn injuries. Her husband and others extinguished fire and took her to the hospital and she died on the next day. As per her first statement recorded by the medical officer in the hospital she stated that to establish that she was in love with husband, on his say, she had poured

kerosene on herself and immolated herself. That statement was recorded at 00.30 a.m. Second statement at 4.40 a.m. was recorded by Head Constable wherein she stated that her husband was suspecting her character. He also asked her that if she was the daughter of only one father, she would pour kerosene on herself. To frighten him that she could immolate herself, she poured kerosene on herself but then the accused burnt gas stove and took the part of her saree to the said stove due to which she caught fire. Statements of other persons from the neighbourhood, who accompanied her to the hospital are also on the same line. If the dying declaration before the Head Constable and oral dying declaration before the witnesses of the locality are looked into, it appears to be case under section 302 of the I.P.C. However, as per the statement before the Medical Officer, it could be a case under Section 306 of the I.P.C. In either case, it will not be in the interest of justice to grant bail to the accused, particularly, because he is involved in 5 other different cases under sections 324, 326 and 327 of the I.P.C. It also appears that though he was in service of the Municipal Corporation as a sweeper, he was addicted to liquor and, therefore, he used to remain absent from duty and hence, he was suspended.

3 Taking into consideration all the facts and circumstances,
application stands rejected.

(J.H. BHATIA,J.)