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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.660 OF 2016**

Sanjit Sakharam Khanbe

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Rakesh Bhatkar, for the Applicant

Ms. Rutuja Ambekar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 1st JULY, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I-437 of 2015, registered with the Mumbra Police Station, Thane, for the alleged offences punishable under Section 302 of the Indian Penal Code.
3. According to the prosecution, the applicant had committed murder of his sister – Kavita, as Kavita was in a relationship with one

Shirish Kadam. The applicant is alleged to have throttled Kavita and caused her death.

4. Learned Counsel for the applicant submitted that the only material as against the applicant is the extra judicial confession made by the applicant to his sister – Jyoti S. Khanbe and father – Sakharam P. Khanbe. He submitted that the applicant has been in custody since 1st May, 2015.

5. Learned APP opposed the bail application. She submitted that the witnesses to whom extra judicial confession is made are all relatives and therefore the possibility of tampering with the said witnesses cannot be ruled out. She submitted that there are also statements of neighbours and Shirish Kadam, which point out to the applicant's complicity in the alleged offence. She submitted that the postmortem report is consistent with the extra judicial confession made by the applicant.

6. Perused the papers. Investigation is complete and charge-sheet is filed. It appears that there is an extra judicial confession made by the

applicant to his sister and father, wherein, he has disclosed that he had throttled Kavita as he was enraged with the love affair of Kavita with Shrish Kadam. The said extra judicial confession is consistent with the postmortem report which shows the probable cause of death as 'Asphyxia due to smothering and throttling'. The injuries in column no.17 also shows that the complainant had received 'Linear scratch rt.side of nose on face; Semilunar pressure abrasion on rt.side of face between ear and rt angle of mouth two in No.; Multiple Semilunar/Linear pressure abrasions/scratches 7 in No. lt side of face; Abraded contusion on neck left side; Semilunar pressure abrasion lt side of neck lateral; Pressure abrasion just rt. of midline on neck at level of thyroid cartilage'. Motive is also spelt out by the witnesses for the applicant to cause Kavita's murder.

7. Considering the fact that the witnesses to whom extra judicial confession is made are all relatives, the possibility of tampering with the said witnesses cannot be ruled out. Even otherwise, prima-facie, there is sufficient material to show the applicant's complicity in the crime. Accordingly, this is not a fit case for granting bail to the applicant.

8. Accordingly, the Application for bail is rejected and disposed of as such. However, the trial of the applicant is expedited.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.