

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 256 OF 2017**

Vipul Vijaybhai Wala	...Applicant
Versus	
The State of Maharashtra	...Respondent
Mr. Amarendra R. Jha i/b Legal Hopes for the Applicant	
Mr. Ajay S. Patil, A.P.P for the Respondent-State	

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 31st AUGUST, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 341 of 2016 registered with the Dindoshi Police Station, Mumbai, for the alleged offence punishable under Section 302 of the Indian Penal Code.
3. Learned Counsel for the applicant states that the applicant has been falsely implicated in the said case. He submitted that there was no

motive for the applicant to assault the deceased-Sanjay, much less, to commit his murder. He submitted that there are discrepancies in the timings as to when the incident took place. He further submitted that the possibility of somebody else assaulting the deceased also cannot be ruled out. He submitted that even otherwise, the investigation is complete and charge-sheet is filed.

4. Learned A.P.P opposed the application.

5. Perused the papers. The incident has taken place on 9th May, 2016. The complainant-Ajay Soni is the brother of the deceased-Sanjay. According to the prosecution, the applicant assaulted the deceased with a knife, pursuant to which, he sustained an injury on the abdomen.

6. The said incident has been witnessed by Bipin, the brother of the applicant. The statement of Bipin has also been recorded under Section 164 Cr.P.C. According to the statement of Bipin, the deceased and the applicant were together at their residence. He has stated that there was some quarrel, which took place between his brother-Vipul (applicant) and

the deceased-Sanjay, pursuant to which, he woke up. He has stated that he saw that Sanjay had sustained a knife injury. He has further stated that Sanjay thereafter left the spot. The spot panchnama shows that knife and blood was found at the spot, at the applicants' residence. There is recovery of blood-stained clothes also at the instance of the applicant. The possibility of the applicant tampering with the witnesses, who are his brothers, also cannot be ruled out.

7. Considering the *prima facie* material against the applicant, this is not a fit case to enlarge the applicant on bail. Accordingly, the application is rejected.

8. 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.