

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 400 OF 2018

Rahul alias Poudat Sunil Nashkar

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. R. Arote, Advocate, for the Applicant

Mr. S. S. Hulke, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 27.03.2018

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 138 of 2016 registered with the CBD Police Station, Mumbai, for the alleged offences punishable under Sections 302 & 201 of the Indian Penal Code.

3. Perused the charge-sheet. The incident has taken place on 05.12.2016 at about 3.30 p. m. in Vinod Bar & Restaurant. According to the prosecution, the Applicant entered the said restaurant and bar, assaulted Kavita (deceased) with a knife when she was sleeping and

thereafter, fled from the spot. The Complainant – Rozna Mandal, a friend of Kavita was present in Vinod Bar & Restaurant and was also resting at the relevant time. She has stated that a few days prior to the incident, the Applicant under the influence of alcohol had threatened Kavita with dire consequences and had also abused her. She has stated that on 05.12.2016 when she and Kavita were in Vinod Bar & Restaurant and were resting, she heard Kavita's screaming, pursuant to which, she woke up. She has stated that when she went out, she found Kavita screaming and shouting saying 'Raul had assaulted her with a knife'. She has stated that Kavita disclosed that when she was lying down, the Applicant came and stabbed in her abdomen with a knife and fled away. The witness – Narayan Madhav Nayak has in his statement also disclosed that Rahul had come to Vinod Bar & Restaurant at about 3.30 p. m. and that he heard Kavita shouting that the Applicant had assaulted her with a knife in her abdomen. He has stated that some persons chased Rahul. The medical case papers show that Kavita has sustained stab injury, incised wound of size 4 x 2 cm. 10 cm above umbilicus. There is a CCTV footage which shows that the Applicant had entered the said restaurant.

4. Considering the prima facie material against the Applicant,

this is not a fit case to enlarge the Applicant on bail. The possibility of the Applicant tampering with the witnesses cannot be ruled out in the peculiar facts & circumstances of the case. Hence, the Application stands rejected.

5. The learned Judge shall conduct the case on its own merits uninfluenced by the observations made in this Application.

(REVATI MOHITE DERE, J.)