

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

BAIL APPLICATION NO.2064 OF 2018

Vishal Lalchand Soni

... Applicant

Vs

The State of Maharashtra

... Respondents

...

Mr. V.V.Purwant I/by Mr. Yogiraj Purwant for the Applicant.
Mr. H.J.Dedhia, APP for the Respondent-State.

CORAM :SANDEEP K. SHINDE J.

DATE : 20 DECEMBER, 2018

P.C. :

It is an application for bail under Section 439 of the Code of Criminal Procedure, 1973 in Crme No.I-135 of 2017 registered with Rabale MIDC Police Station, Navi Mumbai.

2 Heard the learned counsel for the Applicant and the learned APP for the State. Perused the charge-sheet.

3 The alleged incident is dated 14.5.2017. The place of incident is at BDD Chawl Worli, Mumbai. The applicant is resident

of Dombivali. There are five accused. Accused no.1 is father-in-law of the deceased, accused no.3 is husband and accused no.4 is mother-in-law.

4 It is the prosecution case that the accused committed murder of Priyanka (wife of accused no.3) on the 5th day after their marriage. It is alleged that parents of accused no.3 had not approved marriage of their son with the deceased and thus, they hired accused no.2 who is contract killer. After causing her murder at the BDD chawl in the house of the accused nos.1,3 and 4, body was cut into three pieces and thrown at three different places. It is alleged that the present applicant was keeping watch by standing on the road outside the house where the incident has taken place. Incident had taken place in the evening on 4.5.2017. The neighbours whose statements were recorded on 17.5.2017 stated in their statements that they had seen one unknown person standing on the road and the accused no.2 was (contract killer) frequenting from the house of the deceased to the said person who was standing on the road. It

is alleged that after cutting the body into three pieces, same were removed in the Santro car owned by the applicant herein.

5 The learned counsel for the applicant submits that there is no evidence on record to show that person who was standing outside the house where the incident has taken place as alleged was not the present applicant because no test identification parade was held by the prosecution. He further submits that he was not present on the scene of offence. He further submits that accused no.2 who is his friend had asked for his car and, therefore, it appears car was used for commission of offence alleged.

6 I have gone through the charge-sheet. The learned APP brought to my notice the Call Detail Records of the applicant and the accused no.2-Contract Killer. These CDR report shows on the date of incident in the evening, both the applicants were within the tower location at Potdar Hospital, Worli which is near the place of the incident . This piece of evidence completely negates arguments of the

applicant's advocate.

7 It is now submitted that these CDR reports are not part of the charge-sheet and, therefore, he could not make any submission on this aspect.

8 The CDR clearly indicates that as on the date and time of incident, the applicant was near the house of the deceased and thus, it corroborates statements of the witnesses to some extent. Besides, there is recovery of part of the body of the deceased at the instance of the applicant. In the circumstances, the contention of the applicant that he was not at the place of the incident cannot be accepted.

9 Thus, taking into consideration evidence on record, prima-facie, there is material which incriminates accused for the commission of the subject offences and, therefore, I am not inclined to grant bail. Application is, therefore, rejected.

(SANDEEP K. SHINDE, J.)