

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

CRIMINAL BAIL APPLICATION NO. 1500 OF 2019

Simon Rapheal Patrao	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms. Dhanlaxmi Iyer, for the Applicant.

Mr. V.V. Gangurde, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 20th August, 2019

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. 289 of 2018 registered with the Navghar Police Station, for the alleged offences punishable under Sections 302, 201 of the Indian Penal Code.

3. The applicant is the brother of deceased-Wilfred. According to the prosecution, the incident took place on 04/08/2018 in the morning. It is alleged by the prosecution, that there was a quarrel between the applicant and Wilfred (deceased) over removal of Rs.20,000/- by ATM, from

Wilfred's account. In the said quarrel, the applicant assaulted Wilfred with a knife on his chest. Learned Counsel for the applicant submits, that the applicant assaulted the deceased in self-defence, as Wilfred had attacked the applicant. Learned Counsel for the applicant submits, that there was no motive or intention to kill Wilfred. She submits, that the applicant had no reason for withdrawing money from Wilfred's account.

4. Admittedly, the applicant and the deceased were staying together. There is an extra-judicial confession made by the applicant to his brother-Victor, who resides in Mumbai and Nobel, who resides in Dubai, on phone. The disclosure made by the applicant to his brothers Victor and Nobel is that, he had murdered his brother Wilfred and that the body was in the bedroom. A whatsapp message was also sent by the applicant to his brother-Nobel, who was residing at Dubai. A perusal of the postmortem report shows that the deceased had sustained several injuries i.e. 14 injuries i.e. stab wounds in his chest, etc. The head of the deceased and left hand was found severed from the body and the palm of both the hands were also severed. The dead body was found wrapped in a carpet, below the bed and the head was found in bathroom, covered with a paper. The deceased was

killed in the most brutal manner.

5. Considering the aforesaid, this is not a fit case to enlarge the applicant on bail. The possibility of the applicant tampering with the witnesses also cannot be ruled out.

6. Accordingly, the application is rejected and disposed of.

7. 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.)