

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1864 OF 2018
IN
CRIMINAL APPEAL NO. 1065 OF 2018

Rohit Ramesh Makwan ... Applicant

Versus

State of Maharashtra ... Respondent

Mr. Nitin Sejpal a/w Ms. Akshata Desai for the applicant.

Mr.J.P. Yagnik, APP for the respondent State.

CORAM : B.P. DHARMADHIKARI &
PRAKASH D. NAIK, JJ.
DATE : APRIL 23, 2019

P.C.:

Learned counsel for the applicant states that inculpatory FIR could not have been used at all to return the finding of guilt and he further adds that the flat in which the body of the deceased has been found was shown by the brother of the applicant namely Hemant. It is Hemant only who opened the lock of that flat. Contention is in this situation, the only corroborative piece of evidence was a chit allegedly in the handwriting of the present applicant. Submission is the handwriting of the applicant and

authorship of the chit has not been established on record at all and hence, there is no incriminating material against the applicant.

2. Learned APP states that PW 1 police officer who first visited the flat has deposed about the visit by the applicant to police station along with his brother, about the facts narrated by him and then its verification by visiting the flat. The flat was in occupation of the deceased and present applicant. He relies upon the chain of circumstances looked into in paragraph 62 of the impugned judgment by the trial Court.

3. We have looked into eight circumstances relied upon by the trial court to arrive at the findings of guilt. Trial Court has also looked into the handwriting report at Exh. 81. It appears that the visit to police station by the applicant along with his brother was not disputed even during section 313 CrP.C. examination.

4. The chit examined by the handwriting expert and found to be in the handwriting of the applicant, supports the alleged inculpatory statement.

5. It is therefore obvious that at this stage further sifting of material on record is unwarranted and unnecessary. We therefore, find no merit in the application for releasing the applicant on bail.

We accordingly reject the application.

(PRAKASH D. NAIK, J.)

(B.P. DHARMADHIKARI, J.)