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

CRIMINAL BAIL APPLICATION NO.1392 OF 2019

Amit Indradev Gupta	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. K. P. Rustomkhan i/b Mr. Rahul Arote, for the Applicant.

Ms. P. P. Shinde, A.P.P for the Respondent - State.

A.P.I. - Mr. B.C.Wanjare, Kapurbawdi Police Station, Thane, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 3rd MARCH, 2020

P.C. :

1. This is the second bail application preferred by the applicant. The first bail application of the applicant was rejected on merits by a detailed order passed by this Court vide order dated 25th April, 2018, in Criminal Bail Application No.529 of 2018.

2. By this second bail application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-1 of 2017 registered with the Kapurbawdi Police Station, Thane, for the alleged offences punishable under Sections 302 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that having regard to the liberty granted to the applicant the present application has been filed. He submits that the applicant is in custody since 1st January, 2017.

4. Perused the papers. The incident in question has taken place in the intervening night of 31st December, 2016 and 1st January, 2017. According to the complainant – Sachin More, an eye witness to the incident, the incident took place at around 12.45 a.m/1.00 a.m. when he and Vikas (deceased) were returning home after a new year party. He has alleged that there was a quarrel between Vikas and the applicant, pursuant to which, the applicant assaulted Vikas with a knife in his abdomen. A perusal of the postmortem report shows that Vikas has sustained an incised wound over left cheek from angle of mouth to preauricular region about 10 X 1 ½ cm and 1 ½ cm; incised wound over left zygomatic region about 2 X ½ X ½ cm; stab wound over right side below umbilic hypogastilic region 3 cm penetrating upto intestinal walls, as a result of which, he succumbed to the same. The postmortem report shows that the deceased had also sustained two stab wound injuries; punctured wound on right side below umbilical region CLW on left side of face 15 X 2 X 2 cm.

5. *Prima facie*, considering the nature of injuries and the manner in which the incident took place, 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. Hence, the application for bail is rejected and disposed of as such. However, since the applicant is in custody since 2017, the learned Judge to conclude the case as expeditiously as possible and preferably within 9 months from the date of receipt of this order.

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.