

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

CRIMINAL BAIL APPLICATION NO. 902 OF 2021

Sultan Jokhu Nishad	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. B. A. Lawate for the Applicant

Mr. H. J. Dedhia, A.P.P for the Respondent–State

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 1st OCTOBER 2021

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. I-95/2018 registered with the Panvel Taluka Police Station, Navi Mumbai, for the alleged offences punishable under Sections 302, 201, 34 of the Indian Penal Code.

3 Perused the papers. According to the complainant-Haresh Uttekar, he received a call on 31st May 2018, on his mobile from Ghansham

Banwani, owner of the Company, where the alleged incident took place. He has stated that he was informed by the applicant that there was foul odour coming from the vicinity. The complainant has stated that pursuant thereto, he reached the Company to see where the foul smell was emanating from. According to the complainant, when he went to the Company, he met the applicant and asked him what had happened; that the applicant told him that there was foul smell emanating from the bore-well; that the applicant looked scared, pursuant to which, he asked him a few more questions, to which, the applicant replied that there was a quarrel between the deceased-Girdhari Chauhan and accused No.1-Sarojkumar Sah (a juvenile accused) on 27th May 2018, when they had met for dinner. The applicant is further alleged to have disclosed to the complainant that at around 9:30 p.m, in the quarrel that took place between the accused No. 1-Sarojkumar and the deceased-Girdhari, the accused No. 1- Sarojkumar assaulted Girdhari with an axe. The applicant is further alleged to have disclosed that he strangled Girdhari and the accused No. 3-Sultan Nishad assaulted him with *koyta*. He has further stated that after the incident, they cut the body into pieces and threw it in the bore-well, in the Company's compound. This extra-judicial confession made by the applicant to the complainant-Haresh Uttkar, *prima-facie* shows his

complicity. Apart from the aforesaid, there is recovery of the deceased-Girdhari's mobile, at the applicant's instance.

4 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. Accordingly, the Application is rejected. However, the trial of the applicant is expedited.

5 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.