

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

**INTERIM APPLICATION NO. 1167 OF 2021
IN
CRIMINAL APPEAL NO. 15 OF 2021**

Murgesh Pechi Muttu

..Applicant

V/s.

The State of Maharashtra

..Respondent

Mr. Prashant Gurav for the Applicant.

Ms. Prajakta Shinde, APP for the Respondent/State.

**CORAM : NITIN JAMDAR AND
C.V. BHADANG, JJ.**

DATE : 08 July 2021

P.C.

. Heard the learned counsel for the Applicant and the learned APP.

2. The Applicant has filed an Appeal challenging the Judgment and Order and the sentence passed by the learned Sessions Judge, at Dindoshi dated 02 November 2020. This application is taken out for bail pending the Appeal.

3. As per the prosecution story on 19 December 2012, the Applicant assaulted his mother-in-law with a blade of scissor causing grievous injuries on hand, forehead, back and left hand of the mother-in-law. The victim was taken to the hospital, where she was declared dead. P.W.1 Asha Pecchi Muttu, wife of the Applicant is the eye witness along with P.W.3 daughter of the Applicant, aged 9 years. P.W.6 and P.W. 7 are the neighbours have been examined, who have deposed that they have seen the Applicant entering in the house at the relevant time and coming out of the same.

4. The learned counsel for the Applicant submits that Applicant has good case on merits. There are material contradictions and omissions in the deposition of P.W.1 and P.W.3-child witness is not supporting the prosecution, so also the P.W.7. According to the learned counsel, the medical evidence which initially only enumerated four injuries and thereafter, ten more injuries have been included.

5. We have considered the evidence for application for Bail. P.W.1, the wife of the Applicant is consistent in her version. The only omission which has been shown is regarding sale of 22 tolas of gold. P.W.1's version is also corroborated by medical evidence as regard the injuries. P.W. 7 has deposed that she saw the Applicant leaving the house at the relevant time, which corroborates the version of P.W.1. The Applicant was not on bail

during the trial. Considering these aspects, the application for Bail is rejected.

(C.V. BHADANG, J.)

(NITIN JAMDAR, J.)