

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 4108 OF 2023****IN****CRIMINAL APPEAL NO. 1349 OF 2023**

Krishna S/o. Bahadur Kalu Sunachouri

.....Applicant

Vs.

The State, U. T. Of Dadra And
Nagar Haveli & Daman And Diu & Anr.

.....Respondents

Mr. Vivek Gore for the Applicant.

Mr. S.V. Gavand APP, for the Respondent-State.

Adv. H.S. Venegavkar a/w Adv. Shantanu S. Thorat for the Respondent
No.1.**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 10th JANUARY, 2024.****P.C.:-**

1) The case of the prosecution is based on three major circumstances against the Applicant namely, (i) oral dying declaration given by the deceased Arjun to PW. No.1 immediately after the Applicant assaulted deceased with a knife, (ii) recovery of knife i.e. the weapon used in the present crime by the Applicant and (iii) the images of the Applicant from the C.C.T.V. footage.

2) As far as the oral dying declaration is concerned, the deposition of PW No.1 to that effect has gone unchallenged and nothing contrary

thereto has been brought on record to create doubt in the mind of this Court about it.

3) The aforestated three circumstances clearly indicates the involvement of Applicant in the present crime. There is strong motive for commission of present crime by the Applicant, as there was earlier bickering and fight took place between the deceased and Applicant.

4) We therefore find that, it is not a fit case to release the Applicant on bail, at least at this stage.

5) Application is accordingly rejected.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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