

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

CRIMINAL APPEAL NO.1265 OF 2024

Sandeep Gulab Birare

.... Appellant

V/s.

State of Maharashtra & Anr.

.... Respondents

Mr.Prosper D'Souza a/w Mr.Prabhakar Ranshur i/b Mr.S.R. Kale,
for the Appellant.

Mr.Ashok R. Metkari, APP, for the Respondent-State.

Mr.Pranav P. Badheka, for Respondent No.2.

Mr.Sonawane, PSI, Powai Police Station.

CORAM : SHIVKUMAR DIGE, J.

DATE : 15th JULY 2025

P.C:-

. The Special Court has rejected the Bail Application of
the Appellant.

2. The Appellant is apprehending arrest, in connection
with investigation of Crime No.444 of 2023 registered with
Powai Police Station, Mumbai for the offence punishable under
Sections 302 read with Section 34 of the Indian Penal Code
(‘IPC’ for short) and under Sections 3(2)(5) and 6 of the
Scheduled Castes and the Scheduled Tribes (Prevention of

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Atrocities) Act, 1989 ('SCST Act' for short).

3. It is prosecution's case that, on 31st July 2023 when first informant, the deceased and his friend Shahrukh Khan were chit-chatting at Pawarwadi, Visrajan Ghat, at that time, the Appellant and co-accused Vikram Sathe came there. After sometime, the Appellant came there and he asked the deceased "why he came in the matter of his sister". Thereafter, he caught hold the deceased from his left hand and assaulted on his neck with sharp weapon by right hand and stabbed the knife in his chest. The deceased was shifted to hospital and died while taking treatment.

4. It is contention of the learned counsel for the Appellant that, the Appellant is falsely implicated in this case. The Police has recorded statement of the witnesses. In the said statement, they have stated that, the deceased was assaulted by co-accused. The co-accused have been released on bail. The learned counsel further submitted that, the report of blood found on the weapon yet not received, whether the said blood was of human being or animal is not confirmed. The Appellant is

behind bar from around two years. Hence, requested to allow the Appeal.

5. It is contention of the learned APP and learned counsel for Respondent No.2 that, the Appellant assaulted the deceased with sharp weapon. The incident happened in the presence of the eye witnesses. The knife used in the crime is recovered at the instance of the Appellant. If Appellant is released on bail, he may threaten the prosecution witnesses and he may abscond. Hence, requested to dismiss the Appeal.

6. I have heard all learned counsel. Perused FIR and documents produced on record.

7. The first informant in who's presence incident had happened has stated that, the Appellant assaulted the deceased with knife on his neck and chest. The deceased died due to assault of the Appellant. There is direct evidence against the Appellant.

8. Considering these facts, I am not inclined to allow the Appeal and I pass following order.

ORDER

- (i) The Appeal is dismissed.
- (ii) All pending Applications are disposed of.

(SHIVKUMAR DIGE, J.)