

AGK

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

BAIL APPLICATION NO.3797 OF 2024

Kiran Gopal Dane	... Applicant
V/s.	
The State of Maharashtra	... Respondent

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Mr. Harsh Ramchandani i/by Mr. Rajendra Rathod for
the applicant.

Ms. Pallavi N. Dabholkar, APP for the respondent-State.

CORAM : AMIT BORKAR, J.

DATED : JULY 16, 2025

P.C.:

1. By the present application filed under Section 439 of the Code of Criminal Procedure, 1973, the applicant seeks regular bail in connection with Crime Register No.722 of 2022, registered with Azad Maidan Police Station, Mumbai, for offences punishable under Sections 302, 307, and 324 of the Indian Penal Code, 1860 ("IPC").

2. As per the case of the prosecution, the incident occurred on the night of 21st July 2022. After finishing work at around 9:30 p.m., the complainant, along with his friend and employer, went for dinner at Capital Enterprises. Post dinner, at about 12:35 a.m., the complainant proceeded to CSMT Railway Station to catch the 12:40 a.m. Titwala local train. Having missed the said train, he came out and decided to rest inside a taxi owned by his employer's

friend, which was stationed near New Empire Cinema.

3. At this juncture, a woman approached the complainant and inquired about the location of New Excelsior Cinema. She requested the complainant to accompany her to the said place. The complainant agreed. On the way, the complainant asked for her name, to which she replied “Mrs. Mahadevi Dane,” and further informed him that she was there to meet someone. While standing under a tree at around 1:00 a.m., she was heard telling someone over the phone, “Main Excelsior Cinema ke paas khadi hoon, tum dikh nahi rahe ho.”

4. Thereafter, the complainant returned to rest in the taxi. At that moment, he saw a person wearing a blue full-sleeve yellow T-shirt and blue half-pants running towards the said woman from the direction of Hotel Capital. That person suddenly attacked the woman with a knife. When the complainant attempted to intervene and rescue her, the assailant assaulted the complainant as well, causing an injury to his chest. While trying to stop the accused, the complainant held the knife with his left hand and sustained injuries. Another person who was present at the spot also tried to restrain the accused and in the process suffered severe injuries. Despite these efforts, the accused continued to stab the woman repeatedly on her stomach, chest, and face. In the course of resisting the attack, the woman fell to the ground.

5. The accused, upon noticing the complainant, allegedly stated, “Ae ruk, tujhe bhi dekhta hoon,” and ran towards him with an intention to cause harm. However, the accused then started

running in the direction of Azad Maidan Police Station. The complainant immediately contacted his friend Sanjay Kumar Saha, narrated the incident, and both of them then approached Azad Maidan Police Station. The police subsequently took the complainant to G.T. Hospital for treatment.

6. Learned counsel for the applicant submitted that the only material against the applicant is his alleged confessional statement recorded by the police. He contended that apart from this, there is no substantive evidence connecting the applicant with the commission of the offence. It is further submitted that the investigation is complete, and the charge-sheet has already been filed. The applicant is in judicial custody for over two years. The counsel also pointed out that the applicant has strong family ties and is not likely to abscond. On these grounds, the applicant seeks release on bail.

7. On the other hand, the learned Additional Public Prosecutor opposed the bail application and submitted that the incident in question was witnessed by the complainant, who was accompanying the deceased at the time. It is submitted that the applicant stabbed the deceased multiple times. When the complainant tried to save her, he was also attacked and sustained injuries to his chest and hand. Another person, who tried to disarm the accused, was also seriously injured. The accused thereafter continued to stab the deceased on her stomach, chest, and face.

8. The postmortem report reveals grave and extensive injuries, including:

- (a) Incised wound on the left side of the neck, measuring 6 x 1 cm, subcutaneously deep;
- (b) Another incised wound on the same side, posterior margin measuring 3 x 0.5 cm;
- (c) A transverse incised stab wound over the right chest in the supramolecular region, 18 x 5 cm in size, cavity deep with sharply cut margins and acute angles;
- (d) On internal examination, the pleura was punctured near the 5th intercostal space, the right lung was punctured through and through;
- (e) Fractures of multiple ribs on both sides with sharp punctures corresponding to external injuries;
- (f) Both lungs were found collapsed and punctured;
- (g) The pericardium was also punctured; and
- (h) An incised wound on the surface of the heart, specifically on the right atrium, measuring 0.5 x 5 x 0.2 cm.

9. The cause of death, as per medical opinion, is hemorrhage and shock due to multiple stab injuries. It is further pointed out by the learned APP that the eye-witness account clearly establishes that the applicant was the person who inflicted the injuries. The applicant allegedly made a statement to the police admitting that he murdered his wife, which was also witnessed by others. The medical and ocular evidence is consistent and clearly indicates that this was a brutal and calculated attack, resulting in the death of the deceased. Therefore, considering the gravity of the offence and

the manner in which it was committed, the learned APP prayed for rejection of the bail application.

10. I have given my thoughtful consideration to the rival submissions made by the learned counsel for the applicant and the learned Additional Public Prosecutor. I have also gone through the entire material placed on record, including the charge-sheet, the statements of the prosecution witnesses, especially the eye-witness, and the detailed postmortem report of the deceased.

11. The version put forth by the complainant, who is not only the first informant but also an eye-witness to the incident, prima facie reveals that the assault on the deceased was not a sudden or accidental act but appears to be a calculated and deliberate attack. The incident, as narrated, took place in the early hours of the night in a public place, where the applicant, allegedly armed with a knife, came running towards the deceased and inflicted multiple stab injuries in quick succession. The nature, number, and location of the injuries, as disclosed from the postmortem report, are grave and clearly demonstrate the extreme degree of violence used in the commission of the crime.

12. The medical report records multiple deep incised wounds on vital parts of the body such as the neck, chest, lungs, and even the heart. These injuries are not superficial but are cavity deep and have caused puncture of internal organs like both lungs and the heart, leading to massive internal bleeding. Such injuries cannot be attributed to a single, sudden blow in a moment of provocation. On the contrary, the manner of assault strongly suggests that the

act was intentional and repeated in nature, pointing to a premeditated design to eliminate the victim.

13. Further, it is also important to note that the complainant, who tried to intervene and save the victim, was also assaulted by the applicant and received injuries. Another bystander who tried to stop the assault likewise suffered serious injuries. This indicates that the applicant was not only determined to execute the attack on the deceased but was also willing to harm anyone who came in the way. This conduct displays the applicant's aggressive mindset at the time of the incident and shows his readiness to escalate violence.

14. The submission of the learned counsel for the applicant that the case rests solely on the confessional statement made to the police does not find support from the record. The eye-witness account of the complainant, the injuries sustained by him, the presence of another injured witness, and the detailed and consistent medical evidence, all collectively point towards the applicant's direct involvement in the commission of the offence. Hence, the material on record goes far beyond a mere confessional statement and makes out a strong *prima facie* case against the applicant.

15. In light of the gravity of the offence, the specific role attributed to the applicant, the consistent eye-witness version, and the corroborating medical evidence, this Court finds that the applicant is not entitled to be released on bail at this stage. Grant of bail in such a serious case of homicidal violence may not only

send a wrong message but may also adversely affect the confidence of the public in the criminal justice system.

16. The nature of the offence, the manner in which it was carried out, and the severity of the injuries sustained by the deceased leave little room for doubt at this stage regarding the applicant's direct involvement. The possibility of tampering with the evidence or attempting to influence the witnesses, particularly the complainant, cannot be ruled out. Grant of bail in such a serious and heinous offence would not be justified merely on the ground of long incarceration, especially when the trial is likely to proceed based on cogent eye-witness testimony and medical evidence.

17. In view of the above, this Court is of the considered opinion that this is not a fit case for granting regular bail.

18. Accordingly, the bail application stands rejected.

(AMIT BORKAR, J.)