

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL BAIL APPLICATION NO. 595 OF 2017**

Mohd. Javed alias Sonu Hasan Mohd. Khan  
alias Sabeer Hasan Mohd. Khan

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Tripty Shetty i/b Mr. Jivan S. Hiwrale for the Applicant

Mr. M. G. Patil, A.P.P for the Respondent-State

**CORAM : REVATI MOHITE DERE, J.**  
**THURSDAY, 31<sup>st</sup> AUGUST, 2017**

**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. 129 of 2016 registered with the Nagpada Police Station, Mumbai, for the alleged offence punishable under Section 302 of the Indian Penal Code.
3. Learned Counsel for the applicant submits that the applicant has been falsely implicated in the said case. She submits that the timings in the said case are crucial and that there is discrepancy in the statements of

the applicant's employer, the complainant (husband of deceased) and the daughter-Anjum. She further submits that it is highly improbable that the applicant would inform the complainant and others that he was visiting the house of the deceased, if he was intending to commit the murder of his aunt. She submits that the investigation is complete and charge-sheet is filed.

4. Learned A.P.P opposed the application.

5. Perused the papers. The incident has taken place on 18<sup>th</sup> April, 2016 between 7:00 p.m. to 8:00 p.m. The deceased was found dead, with her throat slit. Initially, the complaint was lodged by Abdul Choudhari (husband of the deceased) as against unknown persons. It was alleged in the said complaint, that some unknown persons had stolen Rs. 10,000/- and had killed his wife. According to the complainant, the applicant had called him and informed that he was going to visit their house (house of the deceased) for asking Rs. 20,000/-, which he had kept with the deceased. Subsequently, during the course of investigation, the applicant's name transpired, pursuant to which, he was arrested. The statement of Anjum

Choudhari-daughter of the complainant and deceased, aged 10 years, shows that the applicant had gone to their house and that was last seen with her mother. There is also another statement of Ashok Sangolu, who had also seen the applicant and the deceased together. He has stated that the deceased had verbally abused the applicant and thereafter, both had entered the house. There is recovery of Rs. 10,000/- at the instance of the applicant. The possibility of the applicant tampering with the witnesses, cannot be ruled out.

6. In view of the aforesaid, this is not a fit case to enlarge the applicant on bail. Accordingly, the application is rejected.

7. 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.**