

S.T. No. 11/2025.
State.Vrs. Abdul Wasim +1.
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ORDER BELOW EX.16.
[Passed on 19th May, 2025]

Present application is placed on record by applicant/accused No.1 under section 483 of BNSS for grant of regular bail in connection with Crime No.274/2024 registered for the offence punishable under section 302 read with section 34 of Indian Penal Code. In the said matter investigation is completed. Charge sheet came to be filed and on that basis present case came to be registered which is pending on the file of this Court. Accused No.1 has been in jail since 09.07.2024. I have read the grounds of bail mentioned in the application. This is second bail application after filing of charge-sheet.

2) Investigating Officer and learned A.P.P. opposed the bail application by filing their common say Exh.17.

Accusation :

3) Complainant Police Head Constable Ashok Govindrao Marathe, B.No. 817 lodged report with PS.M.I.D.C. Akola on 04.07.2023. In the said report, he stated that on 30.06.2024, he was on duty with M.I.D.C. Police Station, Akola as Day Officer. At that time he received information from Police Chawkee Govt. Medical College, Akola that deceased Sana Fatema Abdul Wasim aged 11 years was brought by her relatives to Govt. Medical College, Akola for treatment. But, the Medical Officer on examination declared her as brought dead. On the basis of said information, merg No. 23/2024

under section 174 of Cr.P.C. came to be registered. Thereafter, lady police Head Constable Chhaya Rathod, B.No. 1764 did inquest panchnama in presence of two panchas. She then addressed letter to Medical Officer. Govt. Medical College, Akola and requested to do postmortem and to find out the probable reason of death. Thereafter, she received advance postmortem report in which cause of death is written as Asphyxia due to smothering, unnatural death.

4) Thereafter, Lady PI. Vaishali Mule, prepared spot panchanma in presence of two panchas. Thereafter, complainant did inquiry in Merg report. During the course of inquiry he came to know that on 29.06.2024, while the deceased was sleeping with his father, mother and brother, she felt pain in her stomach and she was feeling like omitting. On next day, i.e. on 30.06.2024, at about 6.00 a.m. deceased was taken to Dr. Ikhar, at Babhulgaon Jahangir. But doctor referred her to Civil Hospital, Akola. Accordingly, accused took deceased to civil Hospital, Akola at 7.30 a.m. Doctor examined deceased and declared her dead at 8.40 a.m. He further stated that in view of injuries mentioned in column No. 17 of postmortem examination report, it is revealed that some unknown person has committed her murder by smothering. Hence, the report.

Submissions :-

5) Learned advocate Mr. Dildar Khan appearing for the accused No.1 submits that accused has been in jail since 09.07.2024. He further submits that accused No.2 Ruksana Parvin came to be released on bail by the order of Hon'ble High Court passed in Criminal Application (BA) No. 1189 of 2024. He further submits that the role of the present accused is lessor as compared to the role of another

accused Ruksana Parveen, who is released on bail by the order of Hon'ble High Court. As such he submits that the accused is entitled for grant of bail on ground of parity.

6) On the other hand, learned AGP Mr. R.S. Relkar, appearing for the State submits that the offence is serious one. The deceased died while in the company of the present accused and another accused. As such he submits that there is sufficient material against present accused. He further submits that if the accused is released on bail, he may tamper the prosecution witnesses. Lastly, he submits that the role of present accused is not similar to that the role of another accused Ruksana Parveen, who is released on bail by the order of Hon'ble High Court.

Reasons :-

7) This is second bail application after filing of charge sheet. However, it came to be filed on account of change in circumstance which occurred after the application for bail of accused No.2 Ruksana Parveen came to be allowed by the Hon'ble High Court. Thus, the present application came to be filed after occurrence of change in circumstance. Hence, it is tenable.

8) In the case at hand, it would not be out of place to mention here that the role of the present accused is similar to that of the role of another accused namely Ruksana Parveen. This is for the reason that as per the prosecution case on the fateful night deceased was in the company of Ruksana Parveen and present accused. No specific allegations are made against the present accused. However, allegations made against the present accused and another accused

namely Ruksana Parveen are similar and general. None of the witness in the present matter has specifically stated anything extra in respect of present accused as to that of the accused Ruksana Parveen. The Hon'ble High Court granted bail to Ruksana Parveen after considering merit of the case. Thus, bail is not granted to her merely she is being woman. Thus, considering the aforesaid aspect and considering the identical role of the present accused to that of the accused Ruksana Parveen, benefit of parity needs to be extended to this accused also. Thus, for the aforesaid reasons the application deserves to be allowed. Hence the following order.

Order

- (1) Bail Application Exh.16 is hereby allowed.
- (2) Applicant/accused No.1 Abdul Wasim Abdul S/o Hakim be released on bail in connection with S.T. No. 11/2025 and Crime No.274/2024, for the offence punishable under section 302 read with section 34 of the Indian Penal Code on his executing P.R.Bond of Rs. 50,000/- with surety in like amount.
- (3) Applicant/accused No.1 shall not threat, pressurize and tamper with the informant and any of the prosecution witnesses.
- (4) Applicant/accused No.1 shall submit references of his two relatives with their addresses and contact numbers before the Magistrate.

Date : 19.05.2025.

[Sanjay P. Shinde]
Additional Session Judge, Akola.

Certificate

I affirm that the contents of this PDF file are same word for word as per original order.

Name of Steno	: S.V. Indane.
Court's name	: District Judge-3 and Additional Sessions Judge, Akola
Date	: 19.05.2025.
Signed by P.O. on	: 20.05.2025.
Uploaded on	: 20.05.2025.