

MHKO010004422025



ORDER BELOW EXH. NO.4 IN SESSIONS CASE NO. 22/2025

Yusuf Hamid Almajid ... Applicant

Versus

The State of Maharashtra ... Opponent
Through Juna Rajwada P. S.

1. The accused in C. R. No.586/2024 registered with Juna Rajwada police station under section 103(1) of B. N. S, has filed this bail application under section 483 of BNSS.
2. Case of the prosecution is that Yusuf had raised dispute and had abused with in-laws of informant Samir on the ground that wife of the accused wanted to put a stall at particular location where they had installed a stall. Informant's brother-in-law Imran confronted the accused on 17/09/2024 and the accused had grudge against him. On same day, at 7.45 p.m, the accused assaulted Imran on his chest and left upper arm using a knife, thereby causing his death. FIR came to be lodged on 18/09/2024 at 1.16 hours.
3. It is stated by the applicant that he has not committed any offence and he is falsely implicated in the case. The investigation is complete and the charge-sheet is filed. There is no recovery pending and further detention of

the accused is not required. Ld. Advocate argued that there are no criminal antecedents against the accused but there are many cases filed against the victim. He pointed out that certain pieces in evidence create serious doubt about the case of the prosecution. Ld. Advocate Mr. Desai argued that police reached at the spot after an hour and whether the victim was taken by the witnesses or the police is doubtful. He submitted that the accused is permanent resident of Kolhapur and has family consisting of a wife and a small child. The accused is ready to abide by the conditions imposed by the Court.

4. I.O. and Ld. APP filed say and opposed the bail application mainly on the ground that the accused has committed a serious offence of murder. The witnesses and informant are resident of same locality and if the accused is released on bail, then there is possibility of tampering of the evidence. It is also stated that the applicant originally belongs to Sangli district and he may jump the bail.

5. Ld. App argued that there are three eye witnesses who have stated that accused assaulted on vital part of the body. Ld. APP submitted that the prosecution is ready to conduct the matter as early as possible and there will not be more witnesses and the trial can be concluded within short period of time.

6. I have considered rival submissions and have perused the charge-sheet. The FIR was lodged immediately.

As per intimation given by the Doctor of CPR Hospital Imran was brought to the hospital with history of assault. Spot panchnama shows that there were blood stains on the spot and a knife was recovered. As per medical papers, cause of death of Imran is 'hemorrhagic shock due to stab injury to heart'. Constable Ramesh received information on the wireless stating that, someone has assaulted a person at Aaram Corner. He has stated that the police took the victim to the hospital with the help of the local residents. The eye witnesses have narrated the incident which prima facie shows the involvement of the accused in the crime.

7. Prima facie there is sufficient material against the accused to show the involvement of the accused in a serious offense of murder which is punishable with death or life imprisonment. At this juncture, it is not necessary to consider minor discrepancy. The fact that there were many cases pending against Imran, is not relevant fact to grant bail to present accused. Prima facie, it appears that the victim was stabbed to the chest over a very small issue. Under such circumstances, if the applicant is released on bail, he may tamper with the evidence or may pressurize the witnesses. The charge is also framed and the prosecution is ready to conduct the matter expeditiously. Although, investigation is over, considering the aforesaid possibility, and gravity and nature of the offence, in my opinion, the applicant does not deserve to be released on bail. Hence, I pass following order.

Order

The application is rejected.

Date:10/11/2025

(Mrs. Aparna S. Waikar)
Additional Sessions Judge,
Kolhapur.

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	Mrs.S.R.Tambvekar
Name of Court	Mrs. Aparna S. Waikar, Additional Sessions Judge, Kolhapur.
Date of Dictation	10/11/2025
Order signed by the P.O. on	11/11/2025
Order uploaded on	11/11/2025