

: ORDER BELOW EXH.7 IN SESSIONS CASE NO.56/2025 :
(CNR No. MHRG15-000746-2025)
(Passed on 08.12.2025)

1) This is an application seeking a regular bail, made by accused **Mohammed Asgar Ali Pardeshi**, concerning the offence punishable under section 103 of the Bharatiya Nyaya Sanhita, 2023, in Crime No.47/2025 (Sessions Case No.56/2025) registered with Mhasla Police Station.

2) It is contended that the accused is innocent young student. The investigation is completed and further detention of accused is not necessary. The statements made against the accused are all hearsay statements. Fingerprints on the alleged weapon were not got examined. The alleged recovery made at the behest of the accused is doubtful. On continuing the detention of the accused with harden criminals, his education would ruin. Bail is a rule and jail is an exception. It is submitted to release the accused on bail.

3) Ld. A.P.P. for the State, opposed the application by filing say (Exh.9). It is contended that the offence is serious – a murder. The involvement of the accused is seen on perusal of the charge-sheet. At the behest of the accused the weapon came to be seized. There are eye-witnesses to the incident. Wrong reasons have been mentioned in the application. The prosecution is ready to conduct the case expeditiously. It is submitted to reject the application.

4) The informant swore an affidavit (Exh.8) and thereby submitted that he does not have any objection to allow the application.

5) Heard both sides and perused the record.

6) Ld. Advocate Mr. M. H. Banderkar for accused, and the Ld. A.P.P. Mr. Y. A. Tendulkar for the State, iterated the contentions made in the application and say, respectively.

7) Ld. Advocate for accused would submit that the accused is just above 18 years and is a student. It is submitted that there is no direct evidence against him. The hearsay evidence is not admissible. It is submitted that the accused is ready to abide by all the conditions.

8) The Ld. A.P.P. would submit that the report itself mentions that the accused made extra-judicial confession to his father – the informant – and others after commission of the offence. The accused himself produced the weapon and his blood stained clothes. There are statements against the accused. It is submitted that merely filing of the charge-sheet is not sufficient to release the accused on bail in such serious crime.

9) It is seen that the accused is just above 18 years and a student is not denied by the prosecution. It is seen that the report specifically mentions that the accused narrated the informant and others that the deceased – grandfather of the accused – had

always been nagging the accused that whatever he studies was not of any help and he would be the same person. It has also been narrated in the report that the accused told that the deceased had been keeping an evil eye on mother of the accused. To get rid of all this menace, he killed the grandfather.

10) It is seen that there are statements, mentioning that the accused was seen in blood stained clothes, immediately after the incident. As per the prosecution case the accused made disclosure statement and pursuant to which the weapon – the iron rod – and the blood stained clothes of the accused came to be recovered as per memorandum panchanama. The C.A. Reports are yet to be received.

11) It is seen that there is some material against the accused, in respect of his involvement in serious crime – murder of an old aged person. One statement also mentions that accused had previously raised a chair to assault the deceased by means of it.

12) No doubt, the accused is a teenager and student. However, considering the gravity of offence, possibility of committing similar offence, the C.A. Reports being awaited, and there being *prima facie* material against the accused, he is not entitled to be released on bail, when he has been in the custody only for a few months.

13) Though the personal liberty is precious, life is more precious. There is some material against the accused in respect of

the allegations levelled against him. On weighing the personal liberty and the societal interest, law and order, the former in the present case takes a back seat.

14) Other aspects including the no objection, tendered by the informant, who is father of the accused and son of the deceased, need not be gone into, at this stage.

15) All in all, the accused is not entitled to be released on bail. Hence, the following order:-

: ORDER :

The application Exh.7 is rejected.

Mangaon.
Date: 08.12.2025.

(S. T. Bhalerao)
Additional Sessions Judge,
Mangaon, Dist. Raigad.