

MHRG170014872024



**IN THE COURT OF SPECIAL JUDGE  
AT PANVEL, DISTRICT- RAIGAD**

SPECIAL CASE NO.124/2024

The State of Maharashtra

--- Prosecution

Vs.

Nijam @ Nijamuddin Rashid Ali & Ors.

--- Accused

**Corum** - Santosh C. Shinde

**Date** – 5<sup>th</sup> March 2025

**Appearance-**

Ld. advocate Mr. K. Y. Shaikh for the accused

Ld. Addl. P. P for the State of Maharashtra absent.

**Order below exh.29**

1. Heard Ld. advocate Mr. K. Y. Shaikh for accused No.1.
2. Application is filed for regular bail.
3. Notice was issued to victim, State of Maharashtra & Investigation Officer. Say is filed at exh.30.
4. Perused charge-sheet.
5. Record shows that deceased was missing therefore, missing complaint was registered at Mankhurd Police Station,

6. Mumbai. Thereafter, dead body of deceased was found in one dry stream in the area of Talakhar, Uran. It is alleged that accused No.1 committed forcible sexual intercourse with deceased and committed her murder by strangulation for unknown reason. Thereafter, with the help of accused No.2 & 3, in taxi of accused No.1 dead body was taken by at aforesaid place. It is alleged that accused No.2 & 3 disposed of mobile phone of deceased by throwing the same in a dry stream and thereby committed offence of disappearance of evidence.
7. Ld. advocate for accused No.1 submitted that FIR is registered against unknown person. On statement of a small girl, police have come to conclusion that accused No.1 was in illicit relationship with deceased. Accused No.1 has not committed murder of deceased. Accused No.1 & deceased had gone for picnic and in water deceased was drown.
8. Ld. advocate for accused No.1 further submitted that from statement of medical officers it becomes clear that accused No.1 had taken deceased for treatment in hospital. If he had committed murder of deceased then he would not have taken deceased in the hospital. When deceased was taken in the hospital, her clothes were wet and this fact is stated by medical officer & other witnesses. As deceased was dead, under fear of being assaulted by relatives of deceased, accused has abandoned the dead body and police have wrongly framed charge u/s.302 of the IPC.

9. Ld. advocate for accused No.1 further submitted that post mortem report does not contain remark of strangulation and any injury over the neck area of deceased. Commencement of trial shall take considerable time and further detention of accused will not serve the purpose therefore, accused No.1 be released on bail.
10. Record shows that accused No.1 & deceased were in relationship. Deceased was belonging to Scheduled Caste. She was receiving frequent calls of someone therefore, there was quarrel between accused No.1 & deceased. It is alleged that accused No.1 after committing forcible sexual intercourse with her and murdered her by strangulation.
11. Initially, accused No.1 had taken dead body in the primary health centers pretending that deceased has drown in water and thereafter, he had taken dead body of deceased in his taxi at lonely place and thrown that dead body in a dry stream. Accused No.2 & 3 have helped accused No.1 by disappeared the evidence of crime by disposing of SIM card & mobile phone of deceased by throwing the same in the same dry stream.
12. If facts & documents on record are considered then in present case prime role is attributed to accused No.1. CDRs shows that accused No.1 was in contact with deceased. He used to drop deceased at her workplace near J. J. Hospital.
13. It has come on record that when deceased did not return home, missing complaint was registered. During inquiry of missing complaint, accused No.1 was called by the police but

he had not disclosed to police that deceased drown in the water therefore, he had taken her to primary health centers. Accused No.1 for best reasons known to him has deliberately hid this fact during that inquiry.

14. Record further shows that accused No.1 had taken dead body of deceased at primary health centers at Kandivali & Goveli, Titwala but there, no treatment was given to deceased. Statement of medical officers shows that they had suggested accused No.1 to take deceased at higher centers but accused for best reasons known to him has avoided to do so. Instead, he has thrown dead body in dry stream. This conduct of accused No.1 is incriminating against him.
15. Post mortem notes shows that faint abrasions look like nail scratch three in number on right side of the neck and two in number on left side of the neck were seen. Opinion as to cause of death was not given as body was in state of decomposition therefore samples were preserved for necessary analysis. As per post mortem report, approximate time of death was 8 to 9 days before the post mortem.
16. If nature of offence, role attributed to accused No.1 as well as his conduct is considered then I am of the view that there is prima facie case against accused No.1 showing his involvement in the offence. There is no merit in the application and same is liable to be rejected. As a result, I pass the following order.

#### **ORDER**

1. Application is rejected.

2. Registry is directed to inform accused about this order on e-mail.

Application is disposed of accordingly)

Panvel  
Date: 05/03/2026

Sd/-  
**(Mr. S. C. Shinde)**  
Special Judge, Panvel  
Dist.-Raigad