

2. Learned advocate Mr. M. G. Gowari for the accused, has submitted that, investigation in the crime is completed and that report under Section 173 of the Cr.P.C. has already been submitted. Therefore, it is submitted that there is no propriety to further detain the accused in the custody and accordingly it is prayed for grant of bail.
3. Per contra, learned A.P.P. Mr. A. S. Thakur has submitted that there is direct evidence against the accused showing his involvement in the commission of the crime. According to him, if the accused is released on bail, he would pressurize the prosecution witnesses and therefore he has prayed for rejection of the application.
4. Learned advocate Smt. Mamta Kharat for the intervenor has submitted that accused is having criminal antecedent. According to her, FIR No.196/2019 and 57/2020 were registered against the accused at Baruraj Police Station and that trials are pending against the accused, but he did not attend the Court. Therefore, she would submit that if the accused is released on bail, he would not be available for trial. Thus, it is prayed for rejection of the application.
5. The report dated 15/06/2024 was lodged by Mohammad Kausar Kitabudding Ansari with the allegations that on 14/06/2024 at about 11.30 p.m. he had received phone call from accused on the mobile handset of deceased Parvej Ansari and that he was called at Zudio Mall, Sector 14, Kalamboli and that accordingly informant and deceased

Parvej have gone to said spot at about 11.35 p.m. It has been alleged that when the informant and deceased Parvej had reached at said spot, at that time the accused was present and that thereafter there were talks between accused and deceased Parvej and that accused had asked deceased Parvej to pay Rs.1,250/- immediately otherwise he would kill him.

6. It has been further contended by the informant that at that time deceased Parvej has asked the accused that he would pay the amount by 28th day of said month and that on that count accused had started to assault the deceased and that said quarrel was tried to be pacified by Juned Ansari and Aslam Ansari and that at that time the accused had taken out the knife from his pocket and given blow of knife on right chest and right hand of the deceased. According to the informant, the accused had also given blow of knife on the left chest of Juned Ansari. According to informant, after the incident accused had fled away and he was chased by the informant and others, but the accused was not found. Thereafter deceased Parvej was carried to the MGM hospital, Kamothe by the informant Juned and Aslam. At that time injured Juned was admitted in the hospital, on 15/06/2024 at about 12.40 hours deceased Parvej was declared to be dead.
7. During investigation, spot panchanama and inquest panchanama were drawn. The clothes which were on the

person of the injured and deceased were seized. Thereafter, the accused was arrested. Thereafter, in pursuant to the statement made by the accused on 16/06/2024 the knife which was used in commission of the crime was seized and after recording the statement of the witnesses and collecting the memorandum of post-mortem examination, report under Section 173 of Cr.P.C. has been submitted.

8. Upon perusal of the police papers as stated supra prima facie it is crystal clear that there is sufficient material available on record showing involvement of the accused in the commission of the crime of murder and attempt to murder. The very fact that at the instance of accused knife which was used in commission of the crime is recovered gives strength to the case of the prosecution.
9. It is to be noted that when the accused had called the deceased and the informant, at that time he was armed with knife and that he had given multiple blows of knife on the chest i.e. vital organ on the deceased. This fact is prima facie sufficient to turn down the submission of the accused that the offence would fall under Section 304 of the IP Code.
10. In addition to above, the copies of charge-sheet placed on record by intervenor state that the accused has been prosecuted in C.R. No.196/2019 for the offence punishable under Section 307 and others of the IPC and in C.R.

No.57/2020 he has been prosecuted under the provisions of Arms Act.

11. Thus, considering the seriousness of allegations made against the accused coupled with criminal antecedent of the accused, in my view no discretion can be exercised in favour of the accused and therefore prayer made by the accused is required to be turned down. Consequently, I proceed to pass following order.

:: ORDER ::

- 1) The bail application Exh.7 is rejected.
- 2) Inform the applicant through the Superintendent, Talaja Central Prison, Talaja.

(Dictated and Pronounced in open Court.)

Place : Panvel.
Date : 27/06/2025

(Dinesh E. Kothalikar)
Additional Sessions Judge,
Panvel-Raigad.