

MHRG170024192024



ORDER BELOW EXH.4 IN SESSIONS CASE NO.172/2024
(Dated : 16/10/2025)

The applicant/accused Bitusing Arjunsing Majabi @ Balvindarsing Darshansing has preferred present application for regular bail under section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023.

2. In short the prosecution case is that, on 11/10/1994 deceased Kashmirsing Ajitsing Virk @ Jat was proceeding from Chembur to Rasayani in tanker bearing registration No.MT-3785 containing chemical. The present applicant was cleaner on the said tanker. When they reached at Vashi Check Naka, they met co-accused Mukhtarsing Arjunsing @ Bahusing Gaudas. They took co-accused Mukhtarsing along with them in the tanker. Further it is a case of prosecution that present applicant and co-accused hatched a conspiracy and as a part of said conspiracy, with intent to misappropriate the goods in the tanker, they attacked deceased Kashmirsing on his head by inflicting blow of iron rod. They also inflicted blows of iron rod on various parts of the body of deceased Kashmirsing. In the said assault deceased sustained grievous injuries and succumbed to those injuries on the spot. With intend to destroy the evidence, the present applicant and co-accused threw the dead body of Kashmirsing in water stream situated ad-joining to the road. The informant Tarsemsingh Bhangam thereafter set the criminal law

into motion by lodging detailed report against applicant and co-accused with Panvel Police Station. On the basis of report so lodged by informant, an offence came to be registered vide C.r. No.212/94 under sections 302, 201 r.w. 34 of the Indian Penal Code.

3. Heard Ld Adv. Smt. Milka Gharat for the applicant and Ld. A.P.P. Shri. Y. S. Bhopi for the opponent-state. Perused application, say filed by opponent-state at Exh. 6 and other documents placed on record.

4. Smt. Gharat vehemently argued that the applicant is innocent. He has been falsely implicated in the crime in question. Smt. Gharat further argued that the investigation is completed and charge-sheet has been filed in the Court. Another co-accused is already acquitted by Sessions Court, Raigad-Alibag. No incriminating articles came to be recovered at the instance of applicant. Since, 23/09/2023 the applicant is behind bars. In view of aforesaid circumstances, his further detention in jail is not required. He is ready to abide by the terms and conditions which may be imposed by the Court. Hence, Smt. Gharat prayed that the applicant be enlarged on bail.

5. Per contra, Shri. Bhopi, the Ld.APP argued that the offence is serious. The applicant is one of the prime accused. The applicant by joining hands with co-accused committed murder of Kashmirsing Ajitsing Virk @ Jat. In such circumstances, if applicant is released on bail, definitely he will bring pressure on material witnesses. The possibility of applicant jumping the bail also can not be ruled out. Hence, Shri. Bhopi prayed for rejection of the application.

6. I have carefully heard submissions advanced by both the learned advocates. I have also gone through the material placed on record. At the out set it is pertinent to note that co-accused salvindersing Majabi is already released on regular bail. The role attributed to the present applicant is at par with the role attributed to co-accused Salvindersingh. Furthermore, the investigation with regard to crime in question is completed and charge-sheet has been filed. It also appears that the involvement of present applicant came to be surfaced on the basis of statement made by co-accused who is already acquitted. The trial is yet to commence. There is no possibility of trial being concluded in near future. In view of aforesaid aspects, I am of the opinion that the detention of applicant Bitusing Arjunsing Majabi @ Balvindarsing Darshansing in jail is not required. So far as the apprehension raised by Ld. APP is concerned, it can be taken care by imposing certain conditions upon the applicant. Resultantly, I pass the following order.

ORDER

1. The application is allowed.
2. The applicant Bitusing Arjunsing Majabi @ Balvindarsing Darshansinh shall be released on bail in Sessions Case No. 172/2024 arising out of Cr.No.212/94 registered with Panvel City Police Station on his executing PR bond in the sum of Rs.50,000/- with one surety in the like amount.
3. The applicant shall attend the Panvel City Police Station as and when required by the concerned investigating officer.
4. The applicant shall attend the Sessions Court on each date of hearing without fail.

5. The applicant shall not directly or indirectly make any inducement, threat and promise to any person, acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or any police officer.
6. Copy of this order be sent to concerned jail authority.

Date :- 16/10/2025.

(S. R. Ugale)
Additional Sessions Judge,
Panvel

CERTIFICATE

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

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| Name of Stenographer | -- | S. G. Padwal, Stenographer(Grade-2) |
| Court | -- | District Court-1 & Additional Sessions Court, Panvel |
| Date | -- | 16/10/2025 |
| Order signed by the Presiding Officer on | -- | 27/01/2026 |
| Order uploaded by Smita Sheth (Steno Grade 1) on | -- | 28/01/2026 |