

CRIMINAL APPLICATION NO. 246 OF 2016
IN
CRIMINAL APPEAL NO. 330 OF 2016

Afzal Suleman Khan @ Parvesh @		
Parmesh Guddu Gupta @ Pabhujyot Singh	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Ashok Toraskar, Advocate for the applicant.
Mrs. A.S. Pai, APP for the respondent/State.

**CORAM: MRS. V.K. TAHILRAMANI &
MRS. MRIDULA BHATKAR, JJ.**

JUNE 17 , 2016.

P.C.:

Heard both sides.

2. The applicant has been convicted under section 302 for causing death of Anand Pujari by assaulting him with a knife. The applicant is now seeking bail.

3. The applicant was working in a hotel. Deceased Anand Pujari was the manager of the hotel. On 21st September, 2011, a quarrel took place between the applicant and deceased Anand Pujari on account of non-

payment of salary of the applicant. The applicant was asking for his salary, as he wanted to go to his native place. However, the salary was not given by Anand Pujari to the applicant. That night Anand Pujari, applicant, PW-1 Suresh Pujari, PW-4 Ganesh Naik and two others went to sleep in the hotel. Before going to sleep, they pulled down the shutter of the hotel. At about 2.45 a.m. PW-1 Suresh and PW-4 Ganesh heard a noise. When they got up, they saw that the applicant had opened the shutter of the hotel and was running away from the hotel. At the same time, they noticed that Anand Pujari was lying in a pool of blood with cut injury on his throat. A knife was lying near Anand Pujari.

4. Though there are no eye-witnesses to the incident, it is seen that the applicant had motive to murder Anand Pujari. Moreover, the sequence of events as narrated by PW-1 Suresh and PW-4 Ganesh, shows that it was the applicant who committed the murder of Anand Pujari. Thus, we are not inclined to grant bail to the applicant.

5. The Application is rejected.

(MRS. MRIDULA BHATKAR,J.) (MRS. V.K. TAHILRAMANI, J.)