

Rajput PR

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3332 OF 2024**

Khalfan Azaz Sayyed

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. K.M. Tripathi, *for the Applicant.*

Ms. A.S. Gotad, *APP for the Respondent - State.*

PSI – Ritesh Patil, Chunabhatti Police Station, Mumbai,
present.

CORAM DR. NEELA GOKHALE, J.
DATED: 10TH SEPTEMBER 2025

PC:-

1. Applicant seeks his release on bail in connection with C.R. No.58/2023 dated 3rd February, 2023 registered with the Chunabhatti Police Station, Brihanmumbai City for the offence punishable under Section 302 r/w Section 34 of the Indian Penal Code, 1860.

2. The case of the prosecution is that on 2nd February, 2023 at around 05:30 p.m., the deceased and his friend

Aastha Singh left the college library and were walking on the road near Sindhi society. The Applicant and his friend namely Aditya Ganesh Tribhuvan came on a black motorcycle behind them and with a sharp knife stabbed the deceased on his stomach, chest and head. The deceased while saving himself was seriously injured. Aastha Singh started shouting and screaming for help but the Applicant and his friend speedily rode away on their motorcycle. The deceased succumbed to his injuries pursuant to which the FIR was registered by his brother.

3. Heard Mr.K.M. Tripathi, learned counsel for the Applicant and Ms. A.S. Gotad, learned APP representing the State.

4. Mr. Tripathi submitted that there are 4 accused, 2 of whom have been enlarged on bail. The Applicant has suffered incarceration for about 2 years and 6 months. He also submitted that Aastha Singh, the friend accompanying the deceased gave a statement only on the following day and not

on the day of the incident. He also submitted that the Applicant has no antecedents. The Applicant's father has expired due to cancer and he is the sole earning member in the family. Charges are framed, however, the trial has not yet commenced. He thus urged the Court to enlarge the Applicant on bail.

5. Per contra, Ms. Gothad brought to my notice the statement of Aastha Singh who is the eye witness. She has narrated the incident clearly. The incident occurred at about 05:50 p.m. on 2nd February, 2023 and Aastha Singh, being extremely terrified gave her statement on the following morning. Thus there is no delay in recording her statement. She has also pointed to the CCTV footage panchanama which is consistent with the statement of Aastha Singh. There are as many as 6 witnesses who have also given their statements. There is another eye witness one Mr. Varchaswa Sharma who was chatting with his friend on the said road. Mr. Sharma also narrated the incident clearly. Ms. Gotad also brought to the

attention of the Court, the injury certificate of the Applicant. He has clearly suffered a wound to his hand while stabbing the deceased. She also pointed to the statement recorded under Section 164 of the Cr.PC. Ms. Gotad also explained that Aastha was earlier in a relationship with Aditya, the co-accused accompanying the present Applicant and he was angered by Aastha going out with another person. Ms. Gotad thus strongly contested the present Application.

6. I have considered the rival submissions and carefully perused the investigation papers on record. It is settled law that the Court, while dealing with an Application for bail in a serious offence like murder, has to consider the nature and gravity of the accusation, the role attributed to the accused, the evidence collected during the investigation and the possibility of the accused tampering with the evidence or influencing the witnesses.

7. From the material on record, it *prima facie* appears that there was a brutal pre-meditated assault on the

deceased simply because he was seen going out with Aastha Singh. The statement of Aastha Singh and other eye witnesses are corroborated by the CCTV footage panchanama. The offence, as alleged, is grave and of serious nature, punishable with death or imprisonment for life. The manner in which the offence was committed reflects pre-meditated and violent conduct. There is also no reason to believe that Aastha Singh or the First Informant have made false allegations.

8. In the facts and circumstances of the present case, I do not find this to be a fit case for exercising discretion in favour of the Applicant to release him on bail. Accordingly, the Application is rejected.

9. Needless to state that the trial Court concerned, shall decide the case on its own merits, uninfluenced by the observations made in the present order.

(DR. NEELA GOKHALE, J)