

**Mohammed Zaid vs State by**

**Mohammed Zaid vs State by**

**SooperKanoon Citation : [sooperkanoon.com/1855939](https://sooperkanoon.com/1855939)**

**Court : Karnataka Orders**

**Decided On : Feb-01-2024**

**Judge : Mohammad Nawaz**

**Appeal No. : CRL.P/291/2024**

**Appellant : Mohammed Zaid**

**Respondent : State by**

**Judgement :**

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF FEBRUARY, 2024 BEFORE THE HON'BLE MR JUSTICE MOHAMMAD NAWAZ CRIMINAL PETITION NO. 291 OF 2024 BETWEEN: MOHAMMED ZAID S/O. SHAIK AZEEZ, AGED ABOUT 22 YEARS, RESIDING AT NO. 275, 9TH CROSS, LAXMI ROAD, SHANTHINAGAR, BENGALURU-560027. PETITIONER (BY SRI. MAUSHAD PASHA.,ADVOCATE) AND: STATE BY Digitally signed ASHOKNAGAR POLICE STATION, by V KRISHNA BENGALURU-560 050. Location: High Court of RESPONDENT Karnataka (BY SRI. K NAGESHWARAPPA.,HCGP) THIS CRL.P IS FILED U/S.439 OF CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN

CR.NO.310/2023 OF ASHOKNAGAR P.S., BENGALURU CITY FOR THE OFFENCE P/U/S.307, 504, 302 OF IPC PENDING ON THE FILE OF THE 29th ADDITIONAL CHIEF METROPOLITAN MAGISTRATE AT BENGALURU IN C.C.NO.61142/2023. THIS PETITION, COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING: -2-

## **ORDER**

This petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.310/2023 of Ashoknagar Police Station registered for the offence punishable under Section 302 of IPC.

2. Heard the learned counsel for petitioner, learned High Court Government Pleader for the State and perused the material on record.

3. The first informant-Majid Pasha is the

brother-in-law of the deceased, Anwar Hussain. It is the case of the prosecution that the petitioner/accused was pestering the minor daughter of the deceased, aged about 16 years to love him. The deceased and his family members had requested the father of the accused to advise his son. In-spite of that, the accused was pestering the minor daughter of the deceased to love him. On 02.09.2023, at about 09:00 p.m., the first informant, deceased and others went near the house of the accused and complained against the accused to his brother- Mohammed Bilal. Immediately, the accused, who was on the third floor of the building came down holding a knife and tried to stab one Mohammed Rizwan. When he escaped, he tried to

-3- stab one Mohammed Azar and when he too escaped, he stabbed the deceased, Anwar Hussain on the left side of his neck and ran away from the spot. The injured Anwar Hussain was shifted to one Vydehi hospital. However, he succumbed to the injuries at about 11:00 pm.

4. The learned counsel for the petitioner has

contended that the incident has taken place in a sudden quarrel and in a spur of moment and therefore, no intention can be attributed to the petitioner. He contends that the ingredients of the offence alleged are not made out and even according to the prosecution witnesses, the petitioner, after he was advised by his family members, had stopped loving the daughter of the deceased. He has contended that it is the deceased and his family members themselves who came near the house of the accused and picked up quarrel and in the said quarrel, the incident has taken place. He contends that the petitioner is a young boy aged about 22 years and therefore, his further

detention in custody will ruin his future. He therefore, sought to allow the petition and enlarge the petitioner on bail.

5. The learned High Court Government Pleader on the other hand has opposed the prayer seeking bail contending that -4-

the petitioner with an intention to commit the murder, came to the spot with a knife and stabbed the deceased on his vital part of his body. He contends that CW.1 to CW.7 are the eye witnesses and at the instance of the petitioner, blood stained knife and cloths are recovered and therefore, there is a prima- facie against him. He contends that if the petitioner is enlarged on bail, he may tamper with the prosecution witnesses by threatening them not to give evidence before the Court. He has therefore, sought to dismiss the petition.

6. The material on record reveal that when the

deceased and others went near the house of the accused, and complained against him with his brother, the accused who was on the third floor of the building came down holding a knife and attacked them. He stabbed the deceased on his neck with the knife. As per postmortem report, a stab wound is caused on the left side of the neck and the cause of death is due to shock and haemorrhage consequent upon stab wound sustained.

7. The incident has taken place on 02.09.2023 at

about 09:00 p.m. On the same night at about 11:00 p.m. the victim died in the hospital without responding to the treatment. At this stage it cannot be said that there was no intention on -5-

the part of the petitioner to take away the life of the deceased. The petitioner has given a fatal blow with a knife on the vital part of the body of the deceased. The blood stained knife and clothes have been recovered at his instance. There are eye witnesses to the incident. Hence, there is a prima-facie case against the petitioner.

8. Considering the above material on record, this is not a fit case to enlarge the petitioner on bail.

9. Petition is dismissed. Sd/- JUDGE LDC List No.: 1 SI No.: 52

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**