

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL BAIL APPLICATION NO. 2283 OF 2016**

Aslam Khalil Shaikh. ... Applicant.

Versus

The State of Maharashtra. ... Respondent.

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Mr. Satyavrat Joshi, advocate for Applicant.

Mr. Vinod Chate, APP for State.

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**CORAM : SMT. SADHANA S. JADHAV,J  
DATE : DECEMBER 5, 2016**

**P.C.:**

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 19/3/2016 in Crime No. 161 of 2016 registered at Hadapsar Police Station. Investigation is completed and charge-sheet is filed against the

applicant for offence punishable under Section 302 read with Section 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 17/3/2016 Dinesh Patil, PSI of Hadapsar Police Station lodged a report that at 7.30 a.m. they received a phone call informing them that a person is lying unconscious near Shinde vasti. The police had visited the spot and seen the dead body and lodged a report. Initially, on the basis of the said report, Crime No. 161/16 was registered against unknown person.

4 In the course of investigation, it was revealed that the present applicant had illicit relations with One Arati Upadhyay. It is in the statement of Prabhu Upadhyay that Arti was wife of his brother Bhanu(deceased). On 16/5/2016 he had seen Arati Upadhyay in the company of the present applicant. He has specifically stated that there was an illicit relations between the present applicant and Arati. He had seen his brother Bhanu sitting in the car of the present

applicant and thereafter, his brother was found dead.

5     There is evidence of last seen. There is sufficient incriminating material against the applicant, which may in all probabilities end up with conviction. In these circumstances, the applicant does not deserve to be enlarged on bail.

5     However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 439 of the Code of Criminal Procedure, 1973. The learned Sessions Judge shall not be influenced by the same at the time of trial.

6     The application being sans merits stands rejected and disposed of accordingly.

**(SMT. SADHANA S. JADHAV,J)**