

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 611 OF 2018

Sohail Meheboob @ Badshah Shaikh. .. Applicant.

V/s.

The State of Maharashtra. .. Respondent.

Mr. Aniket U. Nikam I/b. Mr. Aashish Satpute, advocate for applicant.

Mr. Rjan Salvi, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JUNE 27, 2018.

P. C. :

1 Heard the learned Counsel for the applicant and 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 1/12/2016 in Crime No. 414 of 2016 registered at Swargate Police Station for offence punishable under section 302, 363, 366, 201 read with section 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 1/12/2016 Sharfuddin Tamij Shaikh lodged a report that his daughter Razia was missing from

Talwalkar

his house. That Razia was being stalked and harassed by the present applicant. The present applicant happens to be a married man and he had harassed Razia on several occasion due to which she was constrained to file police report. On 1st December, 2016 present applicant was arrested. In the course of interrogation, he had disclosed that he had abducted Razia. He had strangled her in his office and thereafter, he had carried the dead body in Innova car. The dead body was disposed of with the help of his friends in the backwater at Ujani dam. The applicant herein had led the police to the spot, where he had disposed of the dead body. The co-accused were also arrested and in the course of interrogation, they had also shown same spot. At that relevant time, they had received information from Indapur Police Station that a dead body of unidentified girl was found floating in Ujani dam. A.D. No. 119 of 2016 was registered.

4 The learned Counsel for the applicant vehemently submits that there is no material to show that the applicant was last seen in the company of the deceased. In fact, the applicant herein had shown the spot where he had disposed of the dead body and in close proximity, dead body of Razia was found. Body was sent for autopsy and post mortem notes indicate that the cause of death is due to asphyxia due to throttling. The learned APP submits that there are more than 12 cases

registered against the applicant for offence punishable under section 394, 307, 354, 294, 527 of the Indian Penal Code and other offences under various statutes.

5 In view of the fact that the spot of disposal of the dead body was shown by the present applicant would amount to discovery of the fact within the special knowledge of the accused. In view of the above circumstances, applicant does not deserve to be enlarged on bail. The application being sans merits stands rejected.

[SMT. SADHANA S. JADHAV, J.]