

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

BAIL APPLICATION NO. 3176 OF 2021

Irshad Sultan Qureshi

.... Applicant

v/s.

The State of Maharashtra

.... Respondent

Mr. L.M. Shukla for the Applicant.

Mrs. S.V. Sonawane, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 19th APRIL, 2022.

P. C. :-

. This is an Application under section 439 of Cr.PC. filed by the aforesaid Applicant who is facing trial in Sessions Case No.514/2018 pending on the file of Sessions Court, Greater Bombay for offence punishable under section 302 of the Indian Penal Code.

2. Heard Mr. Shukla, learned counsel for the Applicant and Mrs. S.V. Sonawane, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the First

Information Report (FIR) lodged by Siddhanath Maruti Khandekar, API attached to Kala Chowki Police Station. A perusal of the FIR reveals that on 03/11/2017, at about 13:00 hours, a call was received in the control room from an unknown person stating that the Applicant has committed murder of his girlfriend in Rajdoot Hotel, Room No.110, Cottongreen. The complainant and the other police personnel proceeded to the place of the incident as per the address disclosed by the caller. The Applicant who had disclosed his name as Irshad Sultan Ahmed Qureshi was in the room with one lady lying on the floor. The Applicant disclosed the name of the lady as Farhana Soheil Shaikh. The post mortem report revealed that the death of the deceased – Farhana was due to strangulation. The complainant lodged the FIR pursuant to which C.R.No.265/2017 came to be registered at Kala Chowki Police Station. The Applicant was taken into custody and upon completion of the investigation, charge sheet came to be filed against the Applicant for offence under section 302 of the Indian Penal Code.

4. The material on record prima facie reveals that the deceased had extra marital relationship with the Applicant. They used to share a room in a hotel. On 03/11/2017, at about 09:40 a.m., the Applicant and the deceased had gone to Room No.110, Hotel Rajdoot. The

statement of the Assistant Manager of the hotel reveals that at about 01:43 p.m., the room was latched from inside. When he knocked, the Applicant opened the door. The Applicant told that he had killed the girl. He saw one lady was on the floor along with the wall with her face resting on the chest. There were scratch marks on the face of the Applicant. The side table had fallen and the bed sheet was torn.

5. The statements of Shamaparvin Mohammed Salim Khan and Mohammed Irshadali Khan, the siblings of the deceased also indicate that the deceased had complained that the Applicant was demanding Rs.4,00,000/- and was black mailing her. All these circumstances prima facie prove the involvement of the Applicant in the aforesaid crime.

6. Considering the gravity of the offence, in my considered view, this is not a case for grant of bail. Hence, the Bail Application stands dismissed.

7. It is to be noted that the Applicant is a young boy of 27 years of age and that he is in custody since 03/11/2017. Learned counsel for the Applicant also states that the charge is not yet framed. Hence, in

my considered view, the trial needs to be concluded expeditiously. Under the circumstances, learned Additional Sessions Judge, Greater Bombay is directed to conclude the trial as expeditiously as possible and in any event within a period of one year from the date of receipt of this order.

8. Bail Application stands disposed of in above terms.

**PREETI
H JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)

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