

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

**BAIL APPLICATION NO.1316 OF 2021
WITH
INTERIM APPLICATION NO.1279 OF 2022
IN
BAIL APPLICATION NO.1316 OF 2021**

Saifali Ashraf Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Rahul Kulkarni with Mr. Abhay Singh Shinde i/b. Mr. Ritesh Thobde for the Applicant.

Mr. Rahul Vijaymane for the Intervenor.

Mr. Shrikant Yadav, APP for Respondent -State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 9th MARCH, 2023.

P. C. :-

1. This is an application under Section 439 of the Cr.PC. filed by the Applicant, who is facing trial in Sessions Case No. 5 of 2021 pending on the file of learned Additional Sessions Judge, Solapur, for the offences punishable under Sections 302 and 380 of the IPC.

2. Heard Mr. Kulkarni, learned counsel for the Applicant, Mr. Yadav, learned APP for Respondent -State and Mr. Vijaymane, learned counsel for the Intervenor. 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 FIR lodged by Vijaykumar Gurupadappa Swami. The first informant has stated that his sister-Nagdevi was staying alone in a bungalow near Mohite Nagar. On 26/06/2020 he had called his sister Nagadevi on her mobile, however, the same was switched off. He states that he checked the CCTV footage of the bungalow and found that the camera was switched off. He informed his elder sister Nilganga that the Mobile phone of Nagdevi as well as CCTV footage in the bungalow was switched off and told her to verify. Nilganga and her son Vishwesh visited the bungalow and saw the decomposed body of Nagadevi on the floor and the body was decomposed. The first informant has stated that CCTV footage of the bungalow on 27/06/2020 showed that one person had entered the house and thereafter the CCTV camera was switched off. He has stated that he identified the said person as Saif Ali Ashraf Shaikh, son of the watchman. He has stated that the Applicant was residing in a shade in the same vicinity. He therefore lodged a complaint against the Applicant for having caused death of his sister.

4. The records reveal that the place of the incident was searched. A strand of hair, which was found at the place of the incident was sent to the forensic examination alongwith specimen hair of the Applicant. The report shows that the hair found at the spot of the incident matches with the specimen hair of the Applicant. The records reveal that finger prints of the Applicant are found at the place of the incident. The record further reveals that the sim card belonging to the deceased was recovered from the Applicant. There are statements of the witnesses, who have also stated that they had seen CCTV footage and had identified the Applicant entering the house on 27/06/2020 and the CCTV was also switched off since then. All these factors show the involvement of the Applicant in commission of the crime, which is of serious nature.

5. Considering the gravity of the offence, in my considered view this is not a fit case to release the Applicant on bail. Hence, the application is dismissed.

6. Interim application, if any, stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)