

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

**CRIMINAL BAIL APPLICATION NO.2986 OF 2023**

Imran Ismail Shaikh

...Applicant

*Versus*

The State of Maharashtra

...Respondent

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Mr. Gaurav Parkar, Advocate, for the Applicant.

Mr. Prasanna P. Malshe, APP, for Respondent-State.

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**CORAM : MADHAV J. JAMDAR, J.**

**DATED : 12th March 2024**

**P. C.**

1. Heard Mr. Parkar, learned Counsel for the Applicant and Mr. Malshe, learned APP for the Respondent-State.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

|    |                                |                                                          |
|----|--------------------------------|----------------------------------------------------------|
| 1. | C.R. No.                       | 282 of 2022                                              |
| 2. | Date of registration of F.I.R. | 15 <sup>th</sup> December 2022                           |
| 3. | Name of Police Station         | Panvel Taluka Police Station,<br>District-Raigad         |
| 4. | Section/s invoked              | 302, 201, 404 and 34 of <i>I.P.C.</i> ,<br><i>1860</i> . |
| 5. | Date of incident               | 13 <sup>th</sup> December 2022                           |
| 6. | Date of arrest                 | 18 <sup>th</sup> December 2022                           |
| 7. | Date of filing Charge-sheet    | 16 <sup>th</sup> March 2023                              |

3. The prosecution case is that the deceased-Urvi was working as a waitress in 'Sona Bar' in Navi-Mumbai. During the course of her employment, the deceased met Accused No.1 and entered into a relationship with him. Accused No.1 was already married thrice and he represented to the deceased that he was unmarried. The deceased was insisting to get married because of which the Accused No.1 decided to kill the deceased. As per the prosecution case, the present Applicant, who is Accused No.2 had helped Accused No.1 and the present Applicant i.e. Accused No.2 strangled the deceased with a nylon wire.

4. Mr. Parkar, learned Counsel for the Applicant submitted that the case is of circumstantial evidence. There are circumstances to show the involvement of Accused No.1 in the crime. However, he submitted that as far as the present Applicant i.e. Accused No.2 is concerned, the only evidence is recovery panchanama of nylon wire recorded under Section 27 of the *Indian Evidence Act, 1872* and that he was seen with Accused No.1 in a bus. He submitted that except that, there is no evidence against the present Applicant.

5. Mr. Malshe, learned APP vehemently opposed the Bail Application and submitted that the deceased was strangled with a nylon wire and said wire has been recovered at the instance of the Applicant. He submitted that there is an extra-judicial confession of the present

Applicant. On taking instructions, he submitted that there are no antecedents.

6. Perusal of the record shows that the incident in question has taken place on 13th December 2022, F.I.R. was registered on 15th December 2022, the Applicant is arrested on 18th December 2022 and the Charge-sheet is filed on 16th March 2023 and till date, there is no progress in the trial.

7. *Prima facie*, there is substance in the contention raised by Mr. Parkar, learned Counsel for the Applicant that except the recovery, there is no other evidence to connect the Applicant with the alleged crime and there is no motive to the Applicant to commit the crime. The case is of circumstantial evidence. The trial is likely to take a considerably long time.

8. The Applicant does not appear to be at risk of flight.

9. The Applicant does not have any criminal antecedents.

10. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

11. In view thereof, the following order:-

### **ORDER**

(a) The Applicant - Imran Ismail Shaikh be released on bail in connection with C. R. No.282 of 2022 registered with the Panvel Taluka Police Station, District - Raigad on his

furnishing P. R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.

(b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(c) The Applicant shall report to the Panvel Taluka Police Station, District - Raigad on Sunday of every week between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

(d) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case, so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any prosecution witness in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

**12.** The Bail Application is disposed of accordingly.

13. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this Order.

BHALCHANDRA  
GOPAL  
DUSANE

[MADHAV J. JAMDAR, J.]

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