

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

BAIL APPLICATION NO. 2785 OF 2024

Sameer Mohammad Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Aditya Sharma a/w Ms. Khushboo Jain, Advocates, for the Applicant.

Ms. R. V. Newton, APP, for the Respondent–State.

Mr. Vijay Raut, PI. Uran Police Station, Navi Mumbai, District-Raigad, present.

CORAM: MADHAV J. JAMDAR, J.

DATE: 09 SEPTEMBER 2024

P. C.

1. Heard Mr. Sharma, learned Counsel for the Applicant and Ms. Newton, 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.	58 of 2020
2.	Date of registration of F.I.R.	24/02/2020
3.	Name of Police Station	Uran, Navi Mumbai, District-Raigad
4.	Section/s invoked	302, 201, 364 and 120-B of the <i>I.P.C., 1860</i>
5.	Date of incident	24/02/2020
6.	Date of arrest	27/02/2020
7.	Date of filing of Charge-sheet	21/05/2020

3. The present Applicant is Accused No.4. Accused No.1 is the mother of Accused No.2. Accused No.3 is the boyfriend of Accused No.2. Accused No.4 is an Auto-Rickshaw driver. As per the prosecution

case, husband of Accused No.1–Mr. Mukhtarali was in a relationship outside of marriage with the deceased–Ms. Kalpana and due to this fact, there was a quarrel between Accused No.1 and the deceased. The Accused persons conspired 10-12 days prior to the incident. Therefore, Accused No.2 went for residing at the house of the deceased. On 23rd February 2020, there was a quarrel amongst Accused Nos.1, 2, and the deceased. Accused Nos.1 to 3 brought the deceased from her house in the Auto-Rickshaw of Accused No.4 on the night of 24th February 2020 and the deceased was killed on the road coming from Takigaon Bus stop going towards Makba Farm House, Kachha Road, Chirner, Taluka–Uran, District–Raigad.

4. Mr. Sharma, learned Counsel for the Applicant submitted that case is of circumstantial evidence. There is no incriminating material against the Applicant. He submitted that there is no motive attributed to the present Applicant. He submitted that all the Accused except the present Applicant have been released on bail by this Court. He submitted that the parity is applicable.

5. On the other hand, Ms. Newton, learned APP for the Respondent–State vehemently opposed the Bail Application. She submitted that the Applicant has murdered the deceased with premeditation. She submitted that there is material to show that the deceased was last seen together with the Applicant and other Accused. She pointed out the statements of Nandu Moti Rajbhar (Page No.125), to show that the Applicant is involved in the crime.

6. Perusal of the record shows that the incident in question has taken place on 24th February 2020, F.I.R. was lodged on 24th February 2020 the Applicant is arrested on 27th February 2020. Charge-sheet was filed on 21st May 2020. As per the Charge-sheet, there are 26 witnesses proposed to be examined by the prosecution. There is no progress in the trial except framing of charge. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.
7. The Applicant is a young man aged 24 years. He is incarcerated since more than 4 years and 6 months. The other Accused to whom motive is attributed have already been released on bail.
8. The Applicant has no antecedents.
9. The Applicant does not appear to be at risk of flight.
10. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
11. In view thereof, the following order:-

ORDER

- (a) The Applicant - Sameer Mohammad Shaikh be released on bail in connection with C.R. No.58 of 2020 registered with the Uran Police Station, Navi Mumbai, District – Raigad on furnishing P.R. Bond of Rs.10,000/- with one or two sureties in the like amount.
- (b) The Applicant is permitted to furnish cash bail in the sum of Rs.10,000/- for a period of two months in lieu of surety.
- (c) The Applicant shall report to the Uran Police Station Navi Mumbai, Taluka-District - Raigad on the first

Sunday of every month between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

- (d) 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.
- (e) 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.
- (f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (h) 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 Trial Court shall decide the case on its merits and uninfluenced by the *prima facie* observations made in this order.

[MADHAV J. JAMDAR, J.]