

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

CRIMINAL BAIL APPLICATION NO. 1488 OF 2025

Mohammad Situ Alam Hijabul Shaikh ...Applicant

VERSUS

The State of Maharashtra ...Respondent

....

Mr. Mayank Mishra a/w Ms. Akshata Bhogle h/f Ms. Kajal Hindalekar, Advocate for the Applicant.

Mr. P. H. Gaikwad, A.P.P. for the Respondent – State.

....

CORAM : N. R. BORKAR, J.
DATE : 08.05.2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 451 of 2021 registered at Karad City Police Station, Dist-Satara for the offences punishable under Sections 302, 201, 392 & 404 of the Indian Penal Code.
3. FIR is lodged by Matiur Rahiman Shaikh, brother of the deceased Ismail Shaikh (aged 25 years). The deceased was a labourer and as such was acquainted with the applicant who worked with him. He was residing with their relatives at Karad for work purpose. On 7/07/2021, The informant's mother told him that she got a call from their relative stating that the deceased is missing from Karad.

Upon conducting an unsuccessful search for some days, the informant's cousin Raqib lodged a missing report. On 14/07/2021, Raqib told the informant that the police have found a body that resembles the deceased but it is unrecognizable as it was in a partially decomposed state. Thereafter, the informant recognized the dead body on the basis of a picture and the clothes recovered from it. The police had buried the body since it was decayed. During investigation it was revealed that on the night of 5/07/2021, the deceased and applicant were playing cards together, during which the applicant lost some money. On 6/07/2021, the applicant took the deceased in an auto-rickshaw under the pretext of working in a sugarcane field. Upon reaching the spot, he assaulted the deceased with a knife and committed his murder. Thereafter, the applicant stole Rs.9,500/- cash from the deceased and left his body in the sugarcane field. As per the witness statement & CCTV footages, the applicant & the deceased were last seen together on the date of incident. Accordingly, the applicant was arrested on 2.08.2021.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.

5. The learned counsel for the applicant submits that the case is based on circumstantial evidence. It is submitted that the applicant is in jail for three years and nine months and except framing of charge there is no progress in the trial. It is further submitted that there are no other criminal antecedents.

6. On the other hand, the learned APP for the Respondent/State submits that the deceased was last seen in the company of the applicant and there is CCTV footage to that effect. The learned APP submits that there are other incriminating circumstances against the applicant to connect him with alleged crime. It is thus submitted that the application be rejected.

7. The case is based on circumstantial evidence. The applicant is in jail for three years and nine months and the trial has not commenced. Considering the said facts, I am inclined to release the applicant on bail. In the result, the following order is passed:

ORDER

A] The Application is allowed.

B] The applicant be released on bail in Crime No. 451 of 2021 registered at Karad City Police Station, Dist- Satara for the offences punishable under Sections 302, 201, 392 & 404 of the Indian Penal Code on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall attend the concerned police station once in a month, i.e., on first Saturday between 11:00 am to 2:00 pm, till conclusion of the trial.

D] The applicant shall not commit any other crime.

E] The applicant shall not enter into the limits of Satara district except to attend the dates before the trial Court.

F] The applicant shall provide his residential address and contact number to the Karad City police station.

8. Application stands disposed of accordingly.

(N. R. BORKAR, J.)