

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

CRIMINAL BAIL APPLICATION NO.3812 OF 2023

Abdul Jabbar Ansari S/o Sattar Ansari Applicant

V/s.

State of Maharashtra Respondent

**WITH
CRIMINAL BAIL APPLICATION NO.4428 OF 2024**

Mithu Singh Applicant

V/s.

The State of Maharashtra Respondent

Ms.Shilpa G. Goutam, for the Applicant in BA No.3812 of 2023.
Mr.Harshman Chavan, for the Applicant in BA No.4428 of 2024
Ms.Sangeeta D. Shinde, APP, for Respondent-State.
Mr.Mahendra Patil, DCB, CID, Unit-9.

CORAM : SHIVKUMAR DIGE, J.

DATE : 02nd APRIL 2025

P.C:-

. Both these Bail Applications are out of the same
Crime, hence I am deciding it by this common order.

2. By these Applications, Applicants are seeking regular
bail in Crime No.101 of 2021 registered with DCB, CID Unit-9,
Mumbai, for the offences punishable under Sections 302, 201

read with 34 of the Indian Penal Code ('IPC' for short).

3. It is prosecution's case that, the victim who was medical student went missing, initially missing report was registered at Boisar Police Station, Palghar on 29th November 2021. In investigation, police has arrested the Applicants on 13th January 2023. In investigation it is revealed that, the Applicant No.1 -Mithu was running hotel near the seashore. The victim had visited his hotel. Thereafter, the victim went towards seaside. Applicant-Mithu followed her. The Applicant No.2 was employee in the hotel of the Applicant-Mithu. It is alleged that, both have committed the murder of victim and disposed of her body by throwing it in deep sea.

4. It is contention of learned counsel for the Applicants that, the Applicants have been falsely implicated in this case. The prosecution's case is based on circumstantial evidence. The Applicants have arrested after two years of the incident. Initially, police had inquired with the Applicants about the crime, but they did not arrest the Applicants'. Dead body of the victim has not been found. The Applicants are behind bar for more than two

years. Though charge has been framed, but the trial has not been started. Hence, requested to allow the Application.

5. It is contention of the learned APP that, the deceased was last seen with Applicant-Mithu. The mobile of the Applicant -Mithu shows selfie with the deceased. There are statement's of the witnesses stating that, they had seen the Applicant-Mithu following the victim when she went to see side. The learned APP further submitted that, Applicant-Mithu was lifeguard. After noticing the victim he could have informed the police about her but he did not inform. In investigation it reveals that, brother of Applicant-Mithu has destroyed the Identity Card of the brother of the victim. The conversation between Applicant-Mithu and Applicant-Ansari shows that, they were talking about the victim in filthy language. The Applicant-Mithu used to close his hotel in wee hours but on that day he closed hotel early. In investigation it revealed that, the Applicant's have played active role in murder of the victim and disposed of her body. If Applicants released on bail they may abscond. Hence, requested to reject the Application.

6. I have heard all learned counsel. Perused charge-sheet.
7. The prosecution case is based on circumstantial evidence. After two years of the incident Applicants have been arrested in connection with the crime. The dead body of the victim has not been found. The selfie of the Applicant-Mithu with the victim and the conversation between the Applicant's about the victim, the evidentiary value of it can be considered at the time of trial. The Applicants are behind bar for more than 2 years. Though charge has framed, but trial has not commenced.
8. Considering these facts, I pass following order.

ORDER

- (i) The Applicant-Abdul Jabbar Ansari S/o Sattar Ansari be released on bail in Crime No.101 of 2021 registered with DCB, CID Unit-9, Mumbai, on furnishing PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- (ii) The Applicant-Mithu Singh be released on bail in Crime No.101 of 2021 registered with DCB, CID

Unit-9, Mumbai, on furnishing PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.

(iii) The Applicants shall not tamper with the evidence and/or influence the prosecution witnesses.

(iv) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order.

(v) The Applicants shall attend the concerned police station as and when required.

(vi) The Applicants shall remain present before the Trial Court on each and every date, unless exemption is granted.

(vii) Both the Applications are allowed in the aforesaid terms.

(viii) All pending Applications are disposed of.

(SHIVKUMAR DIGE, J.)