

Ajay

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

CRIMINAL BAIL APPLICATION NO. 4622 OF 2024

Sohaib Kalam Shaikh

.. Applicant

Versus

The State of Maharashtra and Anr.

.. Respondents

-
- Mr. Mithilesh Mishra, Advocate for Applicant.
 - Mr. Hitendra J. Dedhia, APP for Respondent No.1 – State.
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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 03, 2025.

P.C.:

- 1.** Mentioned at the time of rising of the Court.
- 2.** Heard Mr. Mishra, learned Advocate for Applicant and Mr. Dedhia, learned APP for Respondent No.1 – State.
- 3.** This is an Application under Section 439 of the Code of Criminal Procedure, 1973 seeking Regular Bail in connection with C.R.No.8 of 2024 registered with Turbhe Police Station, Navi Mumbai for the offence punishable under Section 302 of the Indian Penal Code, 1860.
- 4.** Applicant is a 24 year old student. Case of prosecution is based on circumstantial evidence. CCTV footage shows Applicant entering the hotel room and leaving therefrom where the incident occurred. According to Mr. Mishra, a vital piece of evidence which is

sought to be referred to and relied upon by prosecution is the hotel register in order to implicate the Applicant. He has drawn my attention to page No.61 of the Application wherein the copy of the hotel register where the incident has occurred is placed on record. *Prima facie* on seeing the same, it is apparent that the hotel room was booked in the name of the deceased victim and it appears that the name of Applicant is written below her name, but it is seen that whitener has been applied and the name is written on the top of the whitener depicting tempering.

5. Be that as it may, prosecution shall explain the aforesaid issue to the Court on the next adjourned date and place the original hotel register in question before the Court for examination which must have been confiscated and seized by the Investigating Officer. That apart, Mr. Mishra would submit that the incident in question is shrouded in suspect because the body of the victim was found by the hotel staff and at that time the hotel reception received a phone call from the Police Officer of Sakinaka Police Station informing them that the victim had expired and to immediately shift her to the Hospital. He would submit that no investigation has happened in that regard. He would submit that at page No.56 in the FIR the aforesaid fact has been specifically stated. He would inform the Court that Applicant and victim knew each other and the room in the hotel was booked by the victim for celebrating her birthday.

6. Mr. Dedhia, learned APP is directed to take appropriate instructions on the aforesaid submissions made by Mr. Mishra and apprise the Court accordingly on the next adjourned date.

7. Stand over to **26th March, 2025.**

[MILIND N. JADHAV, J.]

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by AJAY
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