

AGK

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

BAIL APPLICATION NO.4622 OF 2024

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Sohaib Kalam Shaikh

... Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Mithilesh Mishra i/by Mr. Agastya Desai for the applicant.

Mrs. Rajashree V. Newton, APP for respondent No.1-State.

Mr. Ujjwal Gandhi for respondent No.2-victim.

CORAM : AMIT BORKAR, J.

DATED : JULY 14, 2025

P.C.:

1. By the present application filed under Section 439 of the Code of Criminal Procedure, 1973, the applicant seeks his release on regular bail in connection with Crime Register No.08 of 2024, registered with Turbhe Police Station, for the offence punishable under Section 302 of the Indian Penal Code, 1860.

2. As per the case of the prosecution, the first informant, one Akash Sharma, is the Manager of Asvi Lodging Hotel. On 8th January 2024, at about 8.50 p.m., a couple visited the hotel and booked a room in the name of Mr. Shoaib Shaikh and Ms. Amit Kaur Vig. They submitted their original driving licenses as identity proof. Ms. Vig paid Rs.700/- for three hours, and they were

allotted Room No.204 for their stay.

3. At around 11.40 p.m., the manager Akash Sharma received a phone call from one Nagina Yadav, who was working in the hotel as a waiter. She expressed concern as the occupants of Room No.204 were not responding. The hotel staff then opened the room with the master key and switched on the lights. They found Ms. Amit Kaur Vig lying on the bed, covered up to the neck, with her mouth open. The boy who had accompanied her was missing. Upon checking the CCTV footage, it was noticed that the male guest had left the hotel at about 11.40 p.m.

4. Later, at about 1.30 a.m., the hotel owner arrived and advised the staff not to disturb the girl, thinking she might have consumed something and was asleep. Thereafter, the Manager received a phone call from someone claiming to be a Police Inspector from Sakinaka Police Station, inquiring about the couple's whereabouts. The caller then disconnected. Sometime later, the police reached the hotel and found Ms. Vig dead. The medical officer declared her dead at 6.26 a.m.

5. Based on the suspicion that the death of Ms. Vig was homicidal and caused by the applicant, the FIR came to be registered, and the applicant was arrested on 9th January 2024.

6. Learned Advocate for the applicant submitted that the entire case of the prosecution rests on circumstantial evidence. He pointed out that there is no eye-witness or direct evidence linking the applicant to the act of murder. It was contended that there are overwritings in the hotel register and that the applicant was

present only to celebrate the birthday of the deceased, with whom he was in a relationship. It was further submitted that the incident took place after the applicant had already left the hotel premises. Therefore, the applicant prays for bail on the ground that the circumstances put forth by the prosecution are not sufficient to justify his continued detention during trial.

7. On the other hand, the learned APP and the learned Advocate appointed for respondent No.2 (victim) opposed the bail application. They submitted that the incident occurred in a closed hotel room. The presence of the applicant with the deceased at the hotel is confirmed through CCTV footage, which shows him entering the room with the deceased and leaving alone later that night. It was submitted that the applicant, after leaving the hotel, went to a friend and made a confession about the incident, following which the said friend informed the police. On that basis, the police reached the hotel.

8. The prosecution has placed on record that the applicant and the deceased were in a romantic relationship, and the deceased was pregnant with the applicant's child. It is alleged that the applicant was unwilling to continue the pregnancy, which led to the murder. The chat messages retrieved from the applicant's phone show that he doubted the character of the deceased, which led to frequent quarrels. Moreover, the applicant's mobile search history shows that on 8th January 2024, he had searched for OYO hotels suitable for unmarried couples.

9. A voice recording has also been recovered, wherein the deceased is heard expressing her wish to carry the pregnancy to term, while the applicant is heard persuading her to use an abortion kit. Additionally, mobile location data places both the applicant and the deceased at the same location on the evening of 8th January 2024 at around 6.31 p.m.

10. Considering the totality of the circumstances brought on record — such as the CCTV footage showing the applicant entering the hotel room with the deceased and leaving alone, the matching mobile location of both the applicant and the deceased on the date and time of the incident, the recovery of chats and voice recordings reflecting strained relations between the two, and the conduct of the applicant immediately after the incident — this Court finds that the prosecution has, at this stage, established a *prima facie* case of serious nature.

11. The sequence of events as unfolded through the circumstantial evidence is not isolated or disconnected. On the contrary, when all these circumstances are considered together, they appear to form an unbroken and coherent chain pointing towards the applicant's involvement in the commission of the offence. The motive, presence, conduct before and after the incident, and the incriminating material recovered during investigation, when read cumulatively, support the prosecution's case and raise serious suspicion against the applicant.

12. It is well-settled that in cases based on circumstantial evidence, if the chain is so complete as to exclude every hypothesis

other than the guilt of the accused, it is sufficient to deny bail at the pre-trial stage. At this juncture, the Court is not expected to meticulously analyze the evidence or enter into a detailed appreciation of facts, but merely to assess whether a *prima facie* case is made out and whether releasing the applicant on bail would adversely affect the ongoing investigation or the trial.

13. In the present case, the nature and gravity of the offence — being an offence under Section 302 of IPC — coupled with the material suggesting direct proximity of the applicant with the deceased around the time of the death, and the possibility of tampering with evidence or influencing witnesses, clearly weigh against the grant of bail.

14. Therefore, this Court is not inclined to exercise discretion in favour of the applicant. The application, thus, deserves to be rejected. Hence, the application for bail stands rejected.

(AMIT BORKAR, J.)