

Shabnoor

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

BAIL APPLICATION NO.961 OF 2025

Naved Kamar Sharif Shaikh	... Applicant
V/s.	
The State of Maharashtra	... Respondent

WITH

**INTERIM APPLICATION NO.2254 OF 2025
IN
BAIL APPLICATION NO.961 OF 2025**

Zahir Ahmed Shaikh	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Ravishankar Dwivedi, for the Applicant.

Mr. Mateen Shaikh for the Intervener.

Mrs. Rajashree V. Newton, APP for the State.

Mr. Jadhav, API, DCB CID, Kurla.

CORAM : AMIT BORKAR, J.

DATED : JULY 15, 2025

P.C.:

1. This is an application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail in Sessions Case No. 665 of 2022. The said case arises out of *Crime No.60 of 2022* registered with Dharavi Police Station, for offences punishable under Sections 302, 307, 323, 324, 504, 506 of the

Indian Penal Code, 1860, and also under Sections 37(1)(A) and 135 of the Maharashtra Police Act, 1951.

2. The prosecution case, in brief, is that the complainant resides with his brother Kalim Subrani Shaikh, who is employed in a factory and financially supports their family. Their parents reside in Uttar Pradesh. It is alleged that, on 5th February 2022 at around 11:00 a.m., one Naveed Qamar attempted to run a motorcycle over one Abdul Qadir, which led to a verbal altercation and threats of assault. However, the matter was settled temporarily with the intervention of local residents.

3. It is further alleged that on 7th February 2022 at about 11:00 a.m., the complainant along with his cousin (son of his uncle), Abdul Qadeer Shaikh, were standing in front of India Café, situated below the Taj Building at Mukund Nagar, Mumbai. At that time, the accused, who stays in the same locality as the complainant, arrived at the spot. He allegedly began abusing and assaulting Abdul. The accused then took out a knife tied at his waist and stabbed Abdul on his stomach, neck, and face. When the complainant tried to intervene and save Abdul, the accused also attacked the complainant, injuring his right elbow and stabbing him on the left side of his face with the same knife. Thereafter, the accused fled from the spot.

4. As per the FIR, the complainant along with his friend Asif rushed the injured Abdul to Barkhat Hospital, but due to the seriousness of the injuries and continuous bleeding, the doctors advised them to shift him to Sion Hospital. Accordingly, Abdul was

taken to Sion Hospital on a motorcycle, where he was admitted and treatment was started. The Dharavi Police Station then registered the present offence against the applicant on the same day, i.e., 7th February 2022.

5. Learned Advocate appearing on behalf of the applicant submitted that the applicant was arrested on 7th February 2022 and is in custody since then. It is submitted that the Hon'ble Supreme Court, while deciding the applicant's earlier bail application, granted him liberty to approach this Court for bail after a period of six months from 28th June 2024. He pointed out that, despite the passage of considerable time, the trial has not progressed substantially. As of now, only one prosecution witness has been examined. Therefore, the possibility of early conclusion of the trial appears remote. On this ground, he prayed that the applicant be released on bail.

6. On the other hand, the learned APP opposed the bail application. He submitted that the material on record clearly shows that the applicant is the main assailant who inflicted fatal injuries on the deceased. The injuries mentioned in the postmortem report—particularly on the neck and abdomen—match the nature and location of the assault alleged against the applicant. It is further submitted that the entire incident was captured in CCTV footage, which confirms that the applicant had attacked the deceased with a knife multiple times, and also assaulted the complainant. Additionally, there are eye-witnesses who have supported the prosecution's version of events. In view of the seriousness of the crime and the nature of evidence, it is

argued that the applicant does not deserve bail. The learned APP, however, submitted that the issue of delay in trial can be addressed by issuing suitable directions to the Trial Court to conclude the trial within a period of one year. He, therefore, prayed for rejection of the bail application.

7. I have carefully considered the submissions made by both sides and perused the material placed on record. It is not in dispute that the incident is of a brutal assault committed in broad daylight in a public area, resulting in the death of Abdul Qadeer Shaikh and serious injuries to the first informant. The FIR was promptly lodged, and the applicant was arrested on the same day. The role attributed to the applicant is specific and direct. He is alleged to have inflicted multiple stab injuries on the vital parts of the body of the deceased, namely the stomach and neck, which are corroborated by the postmortem report.

8. The fact that the entire incident has been captured in the CCTV footage provides strong and direct support to the version put forth by the prosecution. The footage, as submitted, clearly shows the applicant assaulting the deceased with a knife on vital parts of his body, namely the neck and stomach, and also attacking the first informant. Such visual evidence, though yet to be proved during trial, at this stage offers a reliable and independent corroboration of the sequence of events alleged in the FIR.

9. In addition to the CCTV footage, the prosecution has relied on the statements of eye-witnesses who were present at the scene and have specifically named the applicant as the assailant. These

witnesses are stated to be independent persons who had no prior enmity with the applicant. Their version has also been recorded under Section 161 of the Cr.P.C. and forms part of the charge-sheet. The nature of injuries suffered by the deceased, as recorded in the postmortem report, matches the manner of assault depicted in the footage and as narrated by the eye-witnesses.

10. When the cumulative effect of this material is considered—namely, the direct CCTV evidence, the eye-witness accounts, and the corroborative medical evidence—it creates a *prima facie* case which strongly suggests the applicant's active and intentional participation in committing a serious and grave offence punishable under Section 302 of the IPC. At this stage, such material cannot be lightly brushed aside merely on the ground of delay in trial or on the assumption that further scrutiny is pending. The seriousness of the charge and the strength of the prosecution's case are, therefore, compelling factors to deny bail.

11. Merely because the trial is progressing slowly or that only one witness has been examined so far, that by itself is not sufficient ground to enlarge the applicant on bail, especially in a case of such serious nature where the evidence is yet to be tested in cross-examination. The delay in trial is indeed a matter of concern, but the same can be remedied by issuing directions for its early completion, as rightly suggested by the learned APP.

12. In view of the gravity of the offence, the nature of the injuries inflicted, the corroborative medical and CCTV evidence, and the likelihood of tampering with witnesses or fleeing from

justice if released on bail, this Court is of the considered opinion that the applicant is not entitled to be released on bail at this stage.

13. Hence, the following order is passed:

14. The Bail Application stands rejected.

15. The Trial Court is directed to make all endeavours to expedite and conclude the trial, preferably within a period of one year from the date of receipt of this order.

16. In view of disposal of bail application, interim application stands disposed of as infructuous.

(AMIT BORKAR, J.)

Note:- This order is modified as per the order dated 21 August 2025.