

Laxmi Sontakke
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1834 OF 2025

Sameer Amjit Shaikh

.. Applicant

Versus

The State of Maharashtra

.. Respondent

-
- Mr. Raviraj Paramane, Advocate for Applicant.
 - Mr. Balraj Kulkarni, APP for the State.
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CORAM : MILIND N. JADHAV, J.

DATE : MAY 05, 2025

P.C.:

1. Heard Mr.Paramane, learned Advocate for Applicant and Mr. Kulkarni, learned APP for Respondent.

2. This is an Application under Section 439 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking Bail in connection with C.R. No. 341 of 2024 registered with Rabale M.I.D.C. Police Station.

3. The Applicant is indicted in offence punishable under Section 103(1) of B.N.S. 2023 having been arrested on 21st August 2024. Date of the crime is on intervening night of 4th and 5th August 2024.

4. Mr. Paramane, learned Advocate has drawn my attention to the record of the present case and would submit that the case of Applicant is based on circumstantial evidence which is *prima facie* unsustainable to be believed on the face of record. He would submit that on the intervening night of 4th and 5th August 2024, deceased

victim happened to be murdered and the only material the prosecution has against the Applicant a witness statement appended at page No. 60 who has not stated anything incriminating against the Applicant.

4.1. He would submit that the witness has merely stated that on the date of incident he had dropped Applicant at his house and he left and the dead body of the victim was found at the distance of 200 meters away from the petrol pump where the witness had been fill petrol in his motorcyle. He would submit that according to prosecution case there is no last seen theory neither there is any nexus of Applicant with the deceased and therefore Applicant has been made a scapegoat in the alleged murder.

4.2. He would submit that Applicant is a labourer working in Rabale MIDC area and no case whatsoever is made out by the prosecution even on the basis of the alleged record. Investigation has been completed. *Prima facie* if what Mr. Paramane says is true then Applicant has made out a strong case for grant of bail subject to hearing the learned Prosecutor on the precise role of Applicant.

5. The learned Prosecutor appearing in the matter shall take appropriate instructions on the precise role of Applicant from the prosecution record and apprise the Court of the same to enable the Court to consider the bail application of the Applicant.

6. The Applicant is given liberty to move the vacation court if so desired.
7. List the Bail Application on 11th July 2025.

Laxmi Sontakke

[MILIND N. JADHAV, J.]