

AGK

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

BAIL APPLICATION NO.1834 OF 2025

Sameer Amjit Shaikh	... Applicant
V/s.	
The State of Maharashtra	... Respondent

ATUL
GANESH
KULKARNI
Digitally signed by
ATUL GANESH
KULKARNI
Date: 2025.07.07
17:48:08 +0530

Mr. Raviraj R. Paramane with Mr. Deva L. Shinde for the applicant.

Mrs. Shilpa G. Talhar, APP for the respondent-State.

Mr. Sachin Ghodke, PSI, Rabale MIDC Police Station, is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 7, 2025

P.C.:

1. This is a bail application preferred by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking his release on regular bail in connection with Sessions Case No.190 of 2023, arising from Crime Register No.341 of 2023, registered with Rabale MIDC Police Station, Navi Mumbai, for an offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023.

2. As per the case of the prosecution, on 5th August 2024, at about 8:00 a.m., a dead body of one Sagar Gaikwad was discovered lying on the route towards Belapur-Thane Road. Upon registering the offence and initiating investigation, the present

applicant came to be apprehended on 22nd August 2024, on the basis of suspicion. The case of the prosecution is that there was a quarrel between the applicant and the deceased, during which the applicant allegedly offered a lift to the deceased while the latter was walking towards the station. It is alleged that during the course of this interaction, the applicant assaulted the deceased with a steel nail cutter on the left side of the chest, which led to his death.

3. Learned counsel appearing for the applicant submits that apart from the recovery of the alleged steel nail cutter from the house of the applicant, and the mobile tower location showing the applicant's presence in the vicinity, there is no other incriminating material connecting the applicant to the alleged offence. It is further contended that there is no eye-witness account, no motive established by the prosecution, and there is also absence of any 'last seen' theory or any other circumstantial evidence that would complete the chain of circumstances pointing exclusively to the guilt of the applicant. It is thus submitted that the applicant deserves to be enlarged on bail, particularly when the investigation is complete and the applicant is in custody since 22nd August 2024.

4. On the other hand, learned APP representing the State has opposed the prayer for bail and submits that the presence of the applicant in the vicinity of the scene of occurrence is established through mobile tower location. He further points out that the alleged weapon of assault, i.e., the steel nail cutter, was recovered at the instance of the applicant from his house. He, therefore,

submits that considering the seriousness of the accusation and the stage of trial, the applicant does not deserve to be released on bail.

5. I have given thoughtful consideration to the submissions advanced by the learned counsel for the applicant as well as the learned APP for the State. I have also perused the charge-sheet as well as the material relied upon by the prosecution.

6. At the outset, it is to be noted that the entire case of the prosecution hinges upon circumstantial evidence. The primary material sought to be relied upon by the prosecution consists of (i) the recovery of a steel nail cutter allegedly used in the commission of the offence, and (ii) the mobile tower location data showing presence of the applicant in the area at the relevant time. However, apart from the said two circumstances, there appears to be no material on record to prima facie indicate the motive of the applicant to commit the alleged act, nor is there any eye-witness or last seen theory brought on record so as to complete the chain of circumstances.

7. It is well settled that in a case based on circumstantial evidence, the chain of circumstances must be so complete and cogent that it points unerringly towards the guilt of the accused and rules out every hypothesis consistent with his innocence. In the present case, the recovery of the nail cutter, though made from the applicant's house, is not sufficient by itself to connect him to the alleged incident, especially when no blood stains or forensic evidence is shown to be recovered from the said article. The tower location, by itself, cannot conclusively establish the presence of the

applicant at the scene of offence at the relevant time, as the location radius is wide and overlapping.

8. The applicant has been in custody since 22nd August 2024. Investigation is complete and charge-sheet has already been filed. The applicant is no longer required for custodial interrogation. There is no material to show that the applicant may abscond or tamper with the evidence. The possibility of influencing witnesses can also be curtailed by imposing appropriate conditions.

9. Considering the overall circumstances and the stage of the trial, this Court is of the considered view that the applicant deserves to be enlarged on bail, subject to suitable conditions.

10. Hence, following order is passed:

- i) The bail application is allowed;
- ii) The applicant is directed to be released on bail in connection with Session Case No.190 of 2023 arising from Crime Register No.341 of 2023 registered with Rabale MIDC Police Station, Navi Mumbai for offences punishable under Section 103(1) of the Bhartiya Nyaya Sanhita, 2023, upon furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:
 - a) The applicant shall attend Rabale MIDC Police Station on first Mondy of every month between 11.00 a.m. to 1.00 p.m., until further orders.

- b) The applicant shall not tamper with the evidence or attempt to influence any witness.
 - c) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
 - d) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
 - e) The applicant shall not indulge in any criminal activity during the pendency of the trial.
 - f) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.
11. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)