

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

CRIMINAL BAIL APPLICATION NO. 2689 OF 2025

Abdul @ Malik Maqbul Khan

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Niranjan Bhavake a/w Mr. Drishti Madhani, Mr. Sushant Jagadish Tayadde, Ms. Swamini Thakur, Mr. Anuraj Ramekar i/b Sushant Tayadde and Associate Advocates, learned Advocates for the Applicant.
Mr. Tanveer G. Khan, learned A.P.P. for the State/Respondent.

CORAM : ASHWIN D. BHOBE, J.

DATE : 11th JULY 2025.

P.C. :

1. Heard Mr. Niranjan Bhavake, learned Advocate for the Applicant and Mr. Tanveer Khan, learned A.P.P. for the State/Respondent.
2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**” for short), the Applicant is before this Court seeking regular bail in connection with Crime No. 88 of 2025 registered with Dighi Police Station, Pimpri-Chinchwad for the offence punishable under Section 103 of the Bharatiya Nyaya Sanhita, 2023 (“**BNS**” for short).
3. Mr. Niranjan Bhavake, learned Advocate for the Applicant submits that the abovesaid crime is now registered as RCC No. 230 of 2025 and is pending on the file of learned Judicial Magistrate

First Class at Khadki, Pune.

4. Applicant is the sole accused in the present crime. Applicant was arrested on 3rd March 2025 from Uttar Pradesh and brought to Pune and since then he is in jail. Criminal Bail Application No. 4167 of 2025 filed by the Applicant in RCC No. 230 of 2025 was rejected by the learned Judicial Magistrate First Class at Khadki, Pune by order dated 27th June 2025.

5. Case of the prosecution is that Saheblal Amusahab Mulla (Informant) complained that his son Ammusab was found dead with injuries inflicted by a sharp weapon on his stomach. Recovery under Section 27 of the Indian Evidence Act, 1872 of blood stain clothes, knife and iron rod, was made at the instance of Applicant from the place, where the Applicant had kept the same after committing the crime. CCTV Footage recovered and the statement of prosecution witnesses recorded, implicate the Applicant in the present crime.

6. Mr. Niranjana Bhavake, learned Advocate for the Applicant submits that apart from the recovery of blood stain clothes, knife and iron rod from the Applicant, there is no other evidence on record to implicate the Applicant in the present crime. He submits that the Applicant has been implicated in the present crime on mere suspicion. He submits that the material on record/CCTV footage is not sufficient to support last seen theory, as put forth by the prosecution.

7. Mr. Tanveer Khan, learned A.P.P. for the State/Respondent submits that the material on record is more than sufficient to show

the involvement of Applicant in the present crime. He submits that the Applicant being last seen with the deceased, is established on the basis of CCTV footage. He submits that the recoveries made at the instance of Applicant, support the prosecution case. He submits that Applicant had illicit relation with the wife of deceased. He submits that the Applicant after committing the crime fled to Uttar Pradesh, from where he was arrested.

8. I have perused the records with the assistance of learned Advocates of the parties.

9. Involvement of the Applicant in the present crime is *prima facie* revealed from the statements of witnesses, who claim to have seen the Applicant with the deceased, just prior to he being killed. CCTV footage shows the presence of Applicant with the deceased. Motive of Applicant to kill the deceased appears to be his relation with the wife of deceased. Injuries on the deceased are in the stomach region. Recoveries made from the Applicant are knife, iron rod and the blood stain clothes. Injury found on the body of deceased, can be caused by a sharp weapon like knife, recovered at the instance of Applicant.

10. Mr. Niranjan Bhavake, learned Advocate for the Applicant relies on the decision of this Court in the case of *Wrapper/Abdul Samir Nasir Shaikh v/s. The State of Maharashtra*¹, to contend that mere recovery of the blood stain clothes is not sufficient to detain the accused in the custody. Facts in the said case are distinguishable. Recovery made from the accused in the said case was blood stain clothes, whereas in the present case the recovery at

¹ Criminal Bail Application No. 767 of 2021 decided on 3rd February 2022.

the instance of Applicant is of blood stain clothes and the weapon, which was used in the crime to kill the deceased. Said decision does not assist the case of the Applicant.

11. Considering the nature of allegations and gravity of crime, the Applicant is not be entitled for bail.

12. In view of the above, Criminal Bail Application No. 2689 of 2025 stands rejected.

[ASHWIN D. BHOBE, J.]

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