IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2319 OF 2026

Mohammd Umar Jalaluddin Shaikh .... Applicant
V/s.
The State of Maharashtra ...Respondent

Mr. A.R. Bukhari for the Applicant.
Mr. Tanveer Khan, APP for the Respondent -State (through VC).
Mr. Sitaram V. Dhuma, PSI, Padgha Police Station, present.

CORAM: SHYAM C. CHANDAK, J.
DATED : 5th OCTOBER, 2026

P.C. :-

1. Heard learned Counsel for the parties. Perused the record.

2. The applicant seeks his release on bail in Sessions Case No.4/2024 pending before the learned Additional Sessions Judge, Bhiwandi arising out of Cr.No.I-501/2023 registered with Padgha Police Station, Thane (Rural) for the offence punishable under Sections 302, 201 and 34 of the Indian Penal Code, 1860 ("IPC") and Sections 4 and 25 of the Arms Act, 1959, on the report dated 11.09.2023 filed by Mr. Vinay Mangal Niranjan, the informant.

3. The prosecution case is that, at the relevant time, the applicant had employed the deceased Mohammad Mokim Noor Mohammad to run his pan shop. As alleged, the deceased was not giving proper cash accounts of the pan shop to accused No.1. On that account, a dispute arose between A1 and the deceased. Therefore, on 11.09.2023, at about 04:30 hours, at Padgha, the applicant committed murder of the deceased by cutting his throat.

Further, the applicant and accused No.2 caused disappearance of evidence. Therefore, the applicant was arrested and on completion of investigation, police submitted the charge-sheet. The trial Court refused to release the applicant on bail. Hence, this application.

4. Mr. Bukhari, the learned counsel for the applicant submitted that, Till the date, five prosecution witnesses have been examined in this case including the informant. All of them did not support the prosecution case. He submits that the other evidence is the seizure of clothes of the applicant and recovery of blood-stained knife. He submitted that the seizure panchanama does not mention that the clothes recovered from the applicant and co-accused were stained with blood. As alleged, the knife recovered by the applicant was stained with blood but its CA report is not produced on record.

5. The applicant is in jail for last three years and he has no criminal antecedents. Therefore, I am inclined to allow the application. Hence, following Order :-

(i) The applicant – Mohammd Umar Jalaluddin Shaikh be released on bail in the aforesaid Sessions Case No.4/2024 pending before the learned Additional Sessions Judge, Bhiwandi arising out of Cr.No.I-501/2023 registered with Padgha Police Station, Thane (Rural), on his executing a P.R. Bond in the sum of Rs.1,00,000/- with one or more sureties in the like amount.

(ii) The applicant shall mark his attendance at Padgha Police Station, Thane (Rural) on 1st day of each month, between 11:00 a.m. to 2:00 p.m., till conclusion of the trial.

(iii) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(iv) On being released from jail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated in case there is any change.

(v) The applicant shall not indulge in identical activities for which he has been arraigned in this case.

(vi) The applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence the prosecution witnesses to prevent them from deposing against him.

(vii) It is clarified that any observation made in the present Order are for the purpose of deciding the present Bail Application. The trial Court shall decide the said case without getting influenced by any of the said observations.

7. Bail Application stands disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)

PREETI HEERO JAYANI

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