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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3895 OF 2026

Shafik Ali Haider .. Applicant

Versus

The State of Maharashtra .. Respondent

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- Mr. Mithilesh Mishra a/w Mr. Anurag Mishra, for the Applicant.
- Mrs. Rajeshree Newton, APP for the Respondent - State.
- Mr. Abhijeet Patil, API, Panvel City Police Station.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 14, 2026

P.C.:

1. Heard Mr. Mithilesh Mishra, learned Advocate for Applicant and Mrs. Rajeshree Newton, learned APP for Respondent.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking bail in connection with C.R. No.414 of 2023 registered with Panvel City Police Station for offences punishable under Sections 302 and 201 of the Indian Penal Code, 1860.

3. The Applicant has been incarcerated in jail for more than three years for committing the murder of his friend, wherein, according to the prosecution, the motive was non-payment of Rs. 57,000/- and a demand made by the victim, leading to a quarrel

between them. Even according to the prosecution case, because of the aforesaid reason, there was an altercation and a physical fight between the two and in a fit of anger, the inevitable incident took place.

4. The case of the prosecution is purely circumstantial and relies on the CCTV footage, which shows the Applicant moving around with a gunny bag. It is, therefore, alleged by the prosecution that the Applicant not only murdered the victim but also disposed of his body, which was recovered in a decomposed condition after some time.

5. Though the prosecution has propounded the last-seen theory, there is no witness who has, in fact, stated that they saw the Applicant and the victim together before the incident.

6. The CCTV footage of the society is the only circumstantial evidence and material which is sought to be portrayed as incriminating material against the Applicant. What is observed in the said footage is that the Applicant is seen carrying a gunny bag at 6:15 a.m. in the morning, keeping it on his motorcycle and then driving away on his motorcycle from the society compound / building.

7. There are two movements seen in the CCTV footage. One is at 4:23 a.m. in the morning and the second is at 6:15 a.m. in the morning. However, upon examination, it is observed that these are unidirectional movements, and the ingress and exit are not clearly ascertained.

9. The prosecution case is, therefore, based on suspicion, rather a very strong suspicion, indicating the killing of the victim in the intervening night and more specifically, on the basis of the statements recorded by the prosecution under Section 27.

10. Though the incident had taken place on the eve of Bakri Eid, the Applicant is a fabricator and in his defence, he has referred to the sacrifice of the goat, which he was carrying in the morning.

11. I am inclined to consider the case of the Applicant for bail, primarily because of a substantive order passed by this Court on 13 October 2025, pursuant to which, as usual, the prosecution has gone into deep slumber, as observed repeatedly by this Court in many cases. There is no sign of the trial taking off. The most unfortunate part is that the charge has also not been framed.

12. In that view of the matter, considering that the commencement and conclusion of the trial in the near foreseeable future appear extremely bleak, I am inclined to consider the case of the Applicant for bail.

13. Hence, in view of above *prima facie* observations and findings, Bail Application of Applicant is allowed subject to the following terms and conditions:-

(i) Applicant is directed to be immediately released from

prison in connection with CR. No.414 of 2023;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs.15,000/- (Rs. Fifteen Thousand only) with one or two sureties in the like amount;

(iii) Applicant shall report to the Investigating Officer at concerned Police Station, once every month, on the first Sunday of the month between 10:00 a.m. to 12:00 p.m. until commencement of trial and thereafter shall attend all dates of hearing before the Trial Court;

(iv) Applicant shall cooperate with the conduct of the trial and remain present before the Trial Court on all dates, unless specifically exempted. Applicant shall not seek unnecessary adjournments. Any such conduct shall entitle the prosecution to apply for cancellation of bail;

(v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed of his current residential address and mobile telephone

number and shall forthwith inform the Investigating Officer of any change in his residential address or mobile telephone number, as and when such change occurs; and

(viii) Any breach or infraction of any of the aforesaid conditions shall entail cancellation of the bail granted to the Applicant.

14. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made hereinabove in this order.

15. Bail Application is allowed and disposed in the above terms.

[MILIND N. JADHAV, J.]