

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

CRIMINAL BAIL APPLICATION NO.5150 OF 2024

Digitally signed
by VASANT
ANANDRAO
IDHOL
Date: 2026.03.25
18:47:52 +0530

Abdul Salim Mohd. Haroon Shaikh
V/s.

...Applicant

State of Maharashtra

...Respondent

Mrs.Sana Shaikh for the Applicant.

Mr.H.J. Dedhia, APP for the State - Respondent.

CORAM : R.M. JOSHI, J.
DATE : 25TH MARCH, 2026.

P.C. :-

1. This Application is for regular bail in connection with Crime No.73 of 2023 registered with Sewree Police Station for the offence punishable under Section 302 of Indian Penal Code.

2. It is the case of the prosecution that on 4th June, 2023, the Applicant was apprehended by the police personnel on patrolling duty while he was there along with an injured lady. The lady was sent to the hospital for treatment, however she was declared dead before admission. An offence came to be

registered against the Applicant for murder.

3. Learned counsel for the Applicant submits that there is inconsistency in the statement of the witnesses as recorded under Sections 161 and 164 of Cr.P.C. She further argues that there is no evidence in order to indicate that the deceased is the wife of the Applicant. Inconsistency in the name of the Applicant is also sought to be argued.

4. Learned APP drew the attention of the Court to the postmortem note indicating that this is homicidal death. He further drew the attention of the Court to the evidence on record indicating Nikahnama between the Applicant and the deceased. He further drew the attention of the Court to the fact that there is recovery of blood stained clothes of the Applicant. For this evidence according to him indicates involvement of the Applicant in the crime.

5. *Prima-facie* this Court has to see as to whether any offence is made out of murder against the Applicant. It is not open for this Court to take into consideration the evidence led before the Trial Court, as it is a matter to be considered and

determined during the trial by the Trial Court. Any observations made by this Court on the evidence recorded before the Trial Court would amount to causing interference in the trial, which is wholly impermissible in law. Suffice it to say that *prima-facie* there is evidence to show involvement of the Applicant in the serious nature of crime. Hence no case is made out for grant of bail. The application is dismissed.

(R.M. JOSHI, J.)