

N.S.Kamble

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

CRIMINAL BAIL APPLICATION NO. 2129 OF 2025

Mohammed Nizamuddin ... Applicant
S/o. Mohammed Rafiyoddin Patel

Versus

State Of Maharashtra ... Respondent

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Mr.Kuldeep Nikam a/w Mr.Sarfaraj J. Shaikh i/b I.A. Khan and Associates, for the Applicant.
Ms.S.D. Shinde, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.
DATE : 9th FEBRUARY 2026

P.C. :

1. By this Application, the Applicant is seeking regular bail in Crime No.1180 of 2024 registered with Kondhwa Police Station, Pune, for the offences punishable under Sections 103(1) and 238 of the Bharatiya Nyaya Sanhita, 2023 ('BNS' for short).

2. It is prosecution's case that on 11th October 2024, police found dead body of the unknown person. It is alleged that in investigation, it revealed that deceased was cousin of the First Informant and Applicant has murdered him on account of the financial dispute.

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3. It is contention of learned counsel for the Applicant that the Applicant has been arrested only on the basis of the suspicion. There is no recovery at the instance of the Applicant. The Applicant is behind bars for more than fifteen months. There is no progress in trial, and requested to allow the Application.

4. It is contention of learned APP that, the Applicant murdered the deceased and packed his body in box. The police has recorded the statement of the plumber from whom the Applicant had taken the boxes. The police has recorded the statement of the shop owner from whom the Applicant had purchased Nylon rope, which was used for packing the dead body in the box. It shows involvement of the Applicant in crime. If the Applicant released on bail, he may abscond or threaten prosecution witnesses, and requested to reject the Application.

5. I have heard both learned counsel. Perused charge-sheet and documents produced on record.

6. The prosecution case is based on the circumstantial evidence. The circumstances against the Applicant are the boxes in which the dead body was kept and nylon rope which was used to seal the said box. The statement of the shop owner from whom the nylon rope was purchased by the Applicant shows that same was purchased prior to 10 days of the

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incident. To prove the chain of circumstances against the Applicant evidence is required. The Applicant is behind bars for more than fifteen months. The Applicant has no antecedents. There is no progress in trial.

7. Considering these facts, I pass following order.

ORDER

- (i) The Applicant-Mohammed Nizamuddin S/o. Mohammed Rafiyoddin Patel be released on bail in Crime No.1180 of 2024 registered with Kondhwa Police Station, Pune, on furnishing PR bond of Rs.25,000/- with one or two local sureties in the like amount.
- (iii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (iii) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order.
- (iv) The Applicant shall attend the concerned Police Station as and when required.
- (v) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)