

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2617 OF 2025

Mohd. Amar Mohd Aslam Ansari

....Applicant

Versus

State of Maharashtra and Another

....Respondents

Mr. Abdul Rahim Bukhari, for the Applicant.

Ms. Geeta Mulekar, APP for the State.

Mr. Yogesh Gaikar, API, Shanti Nagar police station, Bhiwandi.

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CORAM : ABHAY J. MANTRI, J.

DATE : 13th MARCH 2026

P.C. :-

1. The Applicant has moved this application to release him on bail in connection with Crime No.681 of 2022 registered with Shanti Nagar police station, Bhiwandi, Dist. Thane for the offence punishable under section 302 of the Indian Penal Code, 1860.

2. Heard the learned advocate for the Applicant and learned APP for the State. I have gone through the application, the charge sheet and the record.

4. At the outset, it appears that on 7th November, 2022, at 2.58 p.m., the father of the deceased Mohd. Amim Nabba Khan has lodged a report with the Shanti Nagar police station, Bhiwandi, alleging that an unknown person has committed the murder of his son, Samim Raja. Based on the report, the police conducted an investigation and filed a charge sheet against the Applicant in the Court.

Vishal Parekar

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5. Learned advocate for the Applicant vehemently contended that the Applicant has not committed any crime, but he has been falsely implicated in the present crime merely on suspicion. The prosecution's case is based on circumstantial evidence. However, the chain of circumstances is not completed to draw the inference that the Applicant has committed the crime. Nothing has been brought on record to connect the accused with the present crime. He has drawn my attention to the seizure panchanama of the mobile on which the prosecution relies, claiming that the mobile belonged to the deceased and was seized from the accused's possession; however, no material has been brought on record to show that the said mobile belonged to the deceased. Similarly, he argued that the Applicant has been in jail since his arrest, i.e. from 7th November, 2022. The charge was framed on 28th October, 2025, but no witness has been examined by the prosecution to date. Therefore, he submitted that, *prima facie*, the prosecution has failed to connect the accused with the crime and, hence, urged the release of the Applicant on bail.

6. As against this, learned APP strongly opposed the application, contending that during the investigation, the police seized one mobile from the possession of the accused. The investigating officer has also collected CCTV footage showing the accused returning from the scene of the incident. Similarly, the investigating officer seized blood-stained clothes of the accused from his possession under Section 27 of the Indian Evidence Act. During the seizure of the clothes, the investigating officer also seized the deceased's Aadhaar card and

ATM card from the Applicant's possession. Therefore, she submitted that the prosecution has collected ample material against the accused. Hence, she urged that the application be rejected.

7. Having heard the learned advocate for the Applicant and learned APP and going through the charge sheet on record, it appears that the First Information Report was registered against an unknown person. Similarly, no eyewitnesses were found. The prosecution's case is based on circumstantial evidence. According to the learned APP, the prosecution's case is based on the three circumstances. One seizure of the mobile phone of the deceased from the possession of the accused. Second, the collection of the CCTV footage and the third one is the seizure of the blood-stained clothes of the accused from his possession. However, nothing has been produced on record to indicate that the seized mobile in question belongs to the deceased. No CDR reports are produced on record. Similarly, according to the prosecution's allegations, the CCTV footage shows only that the accused was returning from the scene of the incident, not the incident itself. Thirdly, the blood-stained clothes were seized; however, no C. A. report has been produced on record to date. It also appears that the offence occurred in November 2022, and since then, the Applicant has been in jail. Despite framing the charge, the prosecution fails to adduce the evidence. The learned advocate for the Applicant submitted that many under-trial cases are pending before the Court; therefore, it will take time to finally decide the case.

8. Thus, though the allegations against the Applicant are serious, considering the above discussion and circumstances of the case, *prima facie*, it appears that the Applicant has been behind bars for a long time, and the trial will take time to finally decide it. Moreover, the investigation has been completed. The charge sheet is also filed in the Court. No other criminal antecedents have been brought to the notice of the Court against the Applicant. Having considered the same, in my view, it would not be appropriate to detain the Applicant behind bars for an indefinite period. However, to dispel the apprehension of the prosecution, stringent conditions can be imposed on the Applicant.

- 9) As a result, ***the Bail Application is allowed*** on the following conditions:-
- i) The Applicant shall be released on bail in connection with the crime No.681 of 2022 registered with Shanti Nagar police station, Bhiwandi, Dist. Thane, under Section 302 of the Indian Penal Code, on furnishing P.B. and S.B. of Rs. 50,000/- with one or two solvent sureties in the like amount. Bail before the Trial Court.
 - ii) The Applicant shall not tamper with the prosecution evidence in any manner till the conclusion of the trial.
 - iii) The Applicant shall not leave India without prior permission of the Court till the conclusion of the trial.

The application is disposed of.

[ABHAY J. MANTRI, J.]