

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4084 OF 2025

Aslam Israel Shaikh @ Qureshi	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondents

Mr. Irfan Shaikh, for the Applicant.
Mr. Arfan Sait, APP for the Respondent-State.
Mr. Shinde, PSI attached to Shahu Nagar Police Station, present.

CORAM: R. M. JOSHI, J.
DATED: 11th MARCH, 2026.

PC:-

1. The Applicant is seeking bail in connection with Crime No.55 of 2025 dated 16th February 2025 registered with the Shahu Nagar Police Station, Brihanmumbai Shahr, for the offences punishable under Sections 331(3), 331(4) and 305 of the Bharatiya Nyaya Sanhita, 2023 ('BNS').

2. The First Information Report came to be lodged in respect of an incident that occurred on 15th February 2025. It is the case of the Informant that unknown persons entered the house of the Informant and committed theft of gold ornaments worth Rs.9 Lakhs. During the course of investigation, the Investigating Agency found the involvement of the Applicant in the crime on the basis of CCTV footage. He was therefore arrested. After conclusion of the investigation, the charge-sheet has been filed.

3. Learned counsel for the Applicant submits that in spite of conducting a thorough investigation, there is absolutely no evidence in the charge-sheet in order to connect the Applicant with the crime. It is his further submission that solely on this ground, the Applicant deserves to be enlarged on bail.

4. Learned APP strenuously opposes the Application by contending that the Applicant is a history-sheeter and a number of offences are registered against him. It is his submission that there is evidence in the form of CCTV footage, which shows complicity of the Applicant in the crime.

5. Merely because there are antecedents against the Applicant, he cannot be denied bail, in case, there is no evidence to *prima facie* connect him with the crime in question. *Prima facie*, perusal of the charge-sheet indicates that except for the CCTV footage, there is no other evidence to indicate his involvement in the crime. Insofar as the CCTV footage is concerned, none of the witnesses have identified the person seen in the CCTV footage to be the Applicant. Apart from this, the statement sought to be relied upon by the prosecution recorded under Section 27 of the Indian Evidence Act, 1872, cannot be considered, for the reason that there was no discovery of any fact pursuant to the said statement. Thus, this is the case wherein there is no *prima facie* material on record to connect the Applicant with the crime. Hence, the following order:-

ORDER

(i) The Bail Application stands allowed.

(ii) The Applicant be enlarged on bail in connection with the Crime No. 55 of 2025 dated 16th February 2025 registered with the Shahu Nagar Police Station, Brihanmumbai Shahr, on furnishing P. R. Bond of Rs.30,000/- with one surety in the like amount to the satisfaction of the Trial Court;

(iii) The Applicant is directed to attend concerned Police Station once in a month till framing of the charge;

(iv) The Applicant is directed to cause appearance before the Trial Court on each date of hearing unless exempted by passing a specific order.

6. The Bail Application stands disposed of.

(R. M. JOSHI, J.)

Digitally
signed by
SHAMBHAVI
NILESH
SHIVGAN
Date:
2026.03.12
17:31:47
+0530