

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.4403 OF 2025

Raju Husen @ Rajib Sk Kalu Haji Shaikh	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondents

Mr. Rayazuddin K. Choudhary, for the Applicant.
Mr. A.S. Gawai, APP for the Respondent-State.
PSI – Akashi Chavan, (Pairavi) – Cuffe Parade, Police Station.

CORAM: R. M. JOSHI, J.
DATED: 30th APRIL, 2026.

PC:-

1. The Applicant seeks his release on bail in connection with CR No. 173 of 2007 dated 16.10.2007, registered with Cuffe Parade police station, for offence punishable under Section 302 of the Indian Penal Code, 1860.

2. On the last date of hearing, learned APP had sought time to place on record the fingerprint expert's report. Today, he sought further time to place the same on record. Learned counsel for the Applicant, however, insisted for hearing of the Application. Hence, application is taken up for hearing.

3. In short it is the case of the prosecution that on 15th October, 2007, at about 09:00 p.m., an incident occurred in which, in the presence of the Informant, her husband was assaulted with a

knife by the present Applicant, who was named as Raju Husen. On the next day, the injured died. The offence came to be registered against the present Applicant. The Applicant came to be arrested after 17 years from the date of the incident. Further investigation was done and upon its conclusion, a charge-sheet has been filed.

4. Learned counsel for the Applicant submits that there is no evidence in order to show involvement of the Applicant in the crime. According to him, though the name “Raju Husen” is mentioned in the FIR by the wife of the deceased, the Applicant is not Raju Husen, but his name is Rajib Sk Kalu Haji Shaikh. It is further submitted that in any case there is no Test Identification Parade conducted by the investigating agency and, as such the identity of the Applicant to be the assailant is not established. On these grounds, bail is sought.

5. Learned APP opposed the application by pointing out the statement of wife of the deceased, which indicates that the assailant was known to the Informant. It is contended that in such a case, conducting of Test Identification Parade does not arise. He also drew attention of the Court to the statement of Rohit, who identified assailant to be Raju Husen on the basis of photographs shown to him. Similar is the statement of Hajrat Shaikh. It is submitted that there is sufficient evidence in order to connect the Applicant with the crime. Considering the serious nature of offence, the application be rejected.

6. *Prima facie* perusal of the record indicates that the incident in which the deceased was assaulted is witnessed by his wife. Her statement further shows that the Applicant was residing

with the deceased and Informant, and as such they were known to each other. Having regard to the said fact, question of conducting a Test Identification Parade does not arise. Apart from this, there is other material on record, in the form of statement of witnesses, indicating Applicant to be Raju Husen. Though it is the case of the Applicant that he is not Raju Husen, the said defence would be decided during the trial. It is not open for bail Court to entertain a defence which is not supported by material on record.

7. Considering the fact that the Applicant came to be arrested after 17 years from the date of the incident and there is *prima facie* evidence on record, he is not entitled for bail.

8. Hence, Bail Application stands rejected.

9. The learned Trial Court is requested to expedite the trial.

10. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(R. M. JOSHI, J.)