

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO.2892 OF 2025****IN****APPEAL NO.464 OF 2025**

Mehandi Hasan Muhammad
Mustak Shaikh

... Applicant

V/s.

State of Maharashtra

... Respondent

Mr. Shashikant Damodarlal Chandak a/w. Adv. Kanchan Shashikant Chandak for the Applicant.

Ms. Madhavi H. Mhatre, APP, for the Respondent-State.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 6th March 2026

PC.:-

- 1) This is an Application received through Jail for suspension of sentence and releasing the Applicant on bail.
- 2) Heard Mr. Shashikant Chandak, the learned Advocate appointed to represent the Applicant and Ms. Mhatre, the learned APP. Perused record.
- 3) It is the case of the prosecution that, the victim girl was aged about 5 years on the date and time of incident. She was the daughter of

PW-2. In the intervening night of 6th February 2019 and 7th February 2019, when the deceased along with her parents was sleeping on a footpath, near Razzak Manzil, L.J. Road, Mahim (West), Mumbai. The Applicant abducted the said minor girl, committed rape on her and committed her murder. Therefore, an offence under Sections 302, 376(A), (B) and 363 of Indian Penal Code read with Sections 6 and 10 of the POCSO Act, was registered. The Police received information that, one minor girl is lying on the rear side of a lane near the Living In Showroom. The police rushed to the said spot and took the victim girl to the Police Station where she was found to be dead. The informer identified the body of the girl as of his daughter. During the course of investigation, the Investigating Agency scrutinized various CCTV footages in the vicinity and it was revealed that, it is the Applicant who was carrying the minor victim girl on his shoulder in the said intervening night.

3.1) PW-8 has identified the Applicant to be the same person seen in the CCTV footage. PW-8 has also identified the Applicant in the substantive evidence before the Court. PW-8 has in detail narrated the various habits of the Applicant in support of her identification from CCTV footage.

4) PW-6 conducted autopsy on the dead body of the said minor girl. A bare perusal of this evidence indicates that, the said minor victim was ravished. The victim had suffered numerous external and internal injuries. The cause of death of the said victim is 'asphyxia following

strangulation with genital injuries’.

5) After perusing the evidence on record, it prima facie appears to us that, it was a brutal and horrific murder committed by the Applicant of the minor victim.

6) In view of the above, we are not inclined to suspend the sentence of the Applicant and release him on bail, during the pendency of the Appeal. Application is accordingly rejected.

7) Before parting with the Order, we place on record our appreciation for the efforts put in by the learned Advocate appointed by the Legal Aid Committee, in espousing the cause of the Applicant.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)