

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

BAIL APPLICATION NO. 129 OF 2026

Suhel Ahmad Maksud Ahmad Qureshi Applicant

V/s.

The State of Maharashtra ...Respondent

Mr. Aniket Vagal a/w. Ms. Juhi Kadu and Adv. Savvy Kolhekar
for the Applicant.

Mr. S.S. Ghag, APP for the Respondent – State.

Mr. D.V. Saroj for the Respondent /Intervenor.

Mr. Santosh Wakchaure, PSI, Bhiwandi Taluka Police station,
present.

CORAM: SHYAM C. CHANDAK, J.

DATED : 16th JUNE, 2026

1) Present Application seeking release of the Applicant on bail in C.R.No.32/2025 registered with Bhiwandi Taluka Police Station, Thane for offences punishable under Sections 103(1), 61(2), 238(c) and 3(5) of Bharatiya Nyaya Sanhita, 2023, on the report filed by Mr. Khurshid Qureshi, the brother of the deceased.

2) Heard Mr. Vagal, learned Counsel for the Applicant and Mr. Ghag, learned APP for the Respondent – State. Perused the record.

3) The prosecution case is that Mohammad Akram Qureshi (“**the deceased**”) was doing a private taxi business. The first informant is brother of the deceased. On 17/01/2025, between 2:00 pm to 2:30 pm, the informant tried to contact the deceased on phone but his phone was switched off. Therefore, an inquiry

was made with friends of the deceased but it revealed no information. On 18/01/2025, at about 10:00 pm, police from Bhiwandi Taluka Police Station called the informant on phone informed that the Wagon-R car driven by the deceased was found within the vicinity of village Pogaon. Then the informant and the police went to the said spot. Dead body of the deceased was lying at some distance from the car and it appeared that, the deceased was murdered. Therefore, the informant filed the report against an unknown person, which led to registration of the present crime.

During investigation, police recorded the statement of the witnesses and collected the CDRs and whatsapp chats of the mobile phones of the accused concerned. Investigation revealed that in July 2022, a land dispute had occurred between the informant and accused side. At that time, the informant, the deceased and their cousin Shoeb Qureshi had assaulted accused Isamauddin Qureshi and Mohammad Kaif Rafique Qureshi/ Accused No.2. It led to registration of a crime for the offence of attempt to murder. Therefore, the accused side had grudge against the informant side and they wanted to avenge them. Hence, the Applicant and co-accused Isamauddin Qureshi, Mohammad Kaif Rafique Qureshi and Salman Khan hatched a conspiracy to commit murder of the deceased. For that purpose, accused Jassi Tiwari created an Instagram account at the instance of Accused No.2 to establish friendly and love relationship with the deceased to call the deceased at the spot. Accordingly, Jassi Tiwari took the deceased at the predecided spot on the pretext of love. Then, the accused persons assaulted the deceased by means of iron pipe and stone and committed his murder. As alleged, just before the murder, the accused persons and the deceased were last seen

together. Therefore, the Applicant and his co-accused came to be arrested. On completion of the investigation, police submitted the charge-sheet. The Sessions Court rejected the Bail Application of the Applicant.

4) Mr. Vagal, learned Counsel for the Applicant submitted that except the circumstance of 'last seen together', there is no other circumstances to link the present Applicant with the murder of the deceased. However, while granting bail to co-accused Jassi Tiwari, this Court has observed that the witness who had allegedly seen the deceased last in the company of the accused person lacked reliability on account of the unexplained delay in recording the statement of the said witness and non-explanation as to how the said witness came into the notice of the investigating agency.

5) Mr. Ghag the learned APP and Mr. Saroj, learned Advocate for the informant have submitted that there was land dispute between Accused No.2 and his uncle. The Applicant and Accused No.2 are from Uttar Pradesh and they were friends. Therefore, the Applicant assisted Accused No.2 to commit the present crime. Just before the murder, the deceased was seen in the company of the Applicant and his co-accused. However, the Applicant has not explained the homicidal death of the deceased. There is recovery of an iron rod from the Applicant. As such, there is a *prima facie* case against the Applicant of having committed the murder.

6) I have considered the rival submissions. The Applicant was directly or indirectly involved in the land dispute between the Accused No.2 and his uncle. The Applicant had no other motive to commit the murder. Considering the observations of this Court noted in the bail Order of co-accused Jassi Tiwari, the reliability of

the evidence as to the “last seen theory” is a question of trial. Therefore, only on the strength of recovery of the iron rod, *prima facie* it cannot be inferred that the Applicant was involved in commission of the murder. The accusations against the Applicant and the co-accused person who have been granted bail, are similar. Therefore, the ground of parity is applicable to the Applicant.

7) In the backdrop, the Applicant is entitled for bail. Hence, following Order :-

(i) The Applicant – Suhel Ahmad Maksud Ahmad Qureshi be released on bail in C.R.No.32/2025 registered with Bhiwandi Taluka Police Station, Thane for offences punishable under Sections 103(1), 61(2), 238(c) and 3(5) of Bharatiya Nyaya Sanhita, 2023, on his executing P.R. Bond in the sum of Rs.1,00,000/- with one or two sureties in the like amount.

(ii) The Applicant shall mark his attendance at Bhiwandi Taluka Police Station, Thane on 1st date of each calendar month between 11:00 a.m. to 2:00 p.m. till conclusion of the trial.

(iii) The Applicant shall regularly attend the proceedings before the jurisdictional Court unless exempted by the said Court, for the reasons to be recorded in writing.

(iv) The Applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence upon

the prosecution witnesses to prevent them from deposing against him.

(v) On being released from jail, the Applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(vi) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination to the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the Applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

8) Bail Applications stand disposed of in aforesaid terms.

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(SHYAM C. CHANDAK, J.)