

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

BAIL APPLICATION NO. 2372 OF 2026

Sahir Ali Jalil Shaikh

.... Applicant

V/s.

The State of Maharashtra

...Respondent

Ms. Tahera Qureshi for the Applicant.

Ms. Veera Shinde, APP for the Respondent – State.

Ms. Smita Pawar, API, Uran Police Station, Navi Mumbai, present.

CORAM: SHYAM C. CHANDAK, J.

DATED : 17th JUNE, 2026

- 1) Present Application seeking release of the Applicant on bail in an FIR bearing C.R.No.30/2024 registered with Uran Police Station, Navi Mumbai for the offences punishable under Sections 302, 201, 120B and 34 of the Indian Penal Code, 1860.
- 2) Heard Ms. Qureshi, learned Counsel for the Applicant and Ms. Shinde, learned APP for the Respondent – State.
- 3) The said FIR has been registered on the report dated 06/02/2024, filed by informant – Safikul Pachu Shaikh. Therein, it is narrated that, deceased Imdadul Shaikh was brother of the informant. One Chhadikul Shaikh, resident of West Bengal, was friend of the Applicant. On 16/12/2023, Chhadikul Shaikh had come to Sainagar, village Chirle to meet the Applicant. At about 04:00 pm, Chhadikul Shaikh had slept in the room of the deceased. However, the deceased driven him out of the room. The Applicant got annoyed due to said act of the deceased. At about

11.45 p.m., the deceased was sleeping in his room. At that time, the Applicant came there and he was awakening the deceased. Therefore, deceased's room-mate Sarif Shaikh objected to the Applicant, but, the Applicant threatened him to kill. Then, the Applicant took Imdadul with him by beating.

On 21/12/2023, at about 8.00 p.m., a dead body of an unknown person was found at Chirle. The informant, his nephew and others went there. The informant identified the dead body to be of his brother. However, two other persons came there also claimed the dead body to be of their brother Sirajul Sentu Shaikh @ Harun @ Pushpa. Therefore, DNA test was performed. The DNA report was received on 05/02/2024. It confirmed that the dead body was of Imdadul Shaikh.

On 06/02/2024, the informant filed the report. Therein, he narrated as above and alleged that since the deceased driven Chhadikul Shaikh out of the room, the Applicant abducted the deceased, committed his murder and hide the body in a dilapidated room. Accordingly, the present crime came to be registered. During investigation, police recorded the statement of the witnesses from time to time, arrested the Applicant on 16/10/2024, and also obtained the statement of certain witnesses recorded under Section 164 of Cr.P.C. Investigation revealed that the deceased was not paying the labour charges of Rs.1,60,000/- to the Applicant and Rs.15,000/- to absconding accused Sirajul Sentu Shaikh @ Harun @ Pushpa. Therefore, on 16/12/2023, both the accused came at the room of the deceased, quarrelled with him on account of their money, abducted the deceased, committed his

murder and hide his body to cause disappearance of the evidence. Accordingly, charge-sheet was filed.

4) Ms. Qureshi, learned Counsel for Applicant submitted that on 17/12/2023, at about 4.00 p.m., Sarif Shaikh had phoned the informant and told him that the deceased was abducted by the Applicant. However, no missing report or FIR was filed by the informant. Considering the inconsistency in the FIR and the delayed statements of the witnesses, the prosecution theory of abduction and murder of the deceased is afterthought and false. Therefore, the Applicant is entitled for bail.

5) In reply, Ms. Shinde, learned APP has submitted that there is sufficient and reliable material against the Applicant and the absconding accused that they have abducted the deceased and committed his murder as the deceased was not paying their money. Therefore, bail may be refused.

6) I have considered these submissions. Record indicates that when the Applicant and the absconding accused had allegedly quarrelled with the deceased on account of their money and abducted the deceased, witness Sarif Shaikh was present there. However, in the FIR there is no mention about the fact that both the accused had quarrel on account of their unpaid money. On the contrary, only the Applicant had quarrelled with the deceased as the latter had driven the Applicant's friend out of the room. Secondly, the FIR is silent about the presence of the absconding accused at the spot when the Applicant had abducted the deceased as stated in the report.

7) As noted above, the Applicant was arrested on 16.10.2024. During interrogation, on 20/10/2024 the Applicant had disclosed about dispute with the deceased on account of the labour charges as above. The police recorded the statement of the witness Sarif Shaikh on 21/10/2024. Therein, for the first time, he has disclosed that on 16/12/2023 the Applicant and the absconding accused had quarrelled with the deceased on account of their money and abducted him. Ms. Shinde, learned APP, on instructions from Ms. Smita Pawar, API, stated that till 21/12/2023, no report was filed with the local police, alleging that, the deceased was missing or abducted by the Applicant and the absconding accused.

7.1) The Statement of witness Habib Chaitu Shaikh mentions that on 16/12/2023, when he had been to the house of the Applicant, absconding accused Sirajul Sentu Shaikh was present there and both the accused were quarreling with the deceased on account of the labour contract payment. The Applicant was demanding Rs.1,60,000/- from the deceased of the labour contract and the absconding accused Sirajul Shaikh was demanding him the labour charges of Rs.15,000/-. Thereafter, at about 11:30 p.m., both the accused went to the room of the deceased. Witness Habib Shaikh followed them. At that time witness Sarif Shaikh opened the door of the room. Thereafter, the Applicant quarreled with the deceased on account of the said money. Then both the accused abducted the deceased. The FIR filed by the informant is mainly based on the information received from witness Sarif Shaikh. However, the FIR is silent about the presence of Habib Shaikh at the spot. Statement of Habib Shaikh has been recorded on 14/02/2024, i.e., after 8 days of filing the report and almost 7 to 8 weeks after the dead body was found.

Therefore, whether witness Habib Shaikh was present at the spot at the time of the abduction or not, is a question of trial.

8) In view thereof, *prima facie*, it cannot be concluded that the Applicant and his co-accused had abducted the deceased as he had not paid their money, committed his murder on that account and caused disappearance of the evidence. Therefore, the Applicant is entitled for bail. Hence, following order :-

(i) The Applicant – Sahir Ali Jalil Shaikh be released on bail in C.R.No.30/2024 registered with Uran Police Station, Navi Mumbai for the offences punishable under Sections 302, 201, 120B and 34 of the I.P.C. on his executing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

(ii) The Applicant shall mark his attendance at Uran Police Station, Navi Mumbai on 1st day of each calender 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.

9) Bail Application stands disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)