

ORDER BELOW APPLICATION (EXH.24) IN
SESSIONS CASE NO.277/2024

This is a successive bail application filed after filing of the charge-sheet by the applicant/accused **Sahil Yusuf Shaikh** under section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for seeking bail in connection with crime No.1229/2023 registered with Kondhwa Police Station for the offence punishable under sections 302, 201, 120(B) read with section 34 of the Indian Penal Code and Section 37(1)(3) read with section 135 of the Maharashtra Police Act.

2] It is submitted by the applicant/accused that the FIR was registered against the unknown persons. He is neither named or suspected in the report lodged in the police station. The informant is not an eye witness to the incident. She narrated the report purely on the basis of information received from the others. The statement of the informant indicates the prior financial dispute in between the applicant/accused and the deceased. Therefore, merely on the suspicion the applicant is implicated in the present case. The prosecution heavily relied upon the memorandum and seizure panchanama, but whatever confession made before the police is not relevant having no inventory value. There is no discovery from the applicant/accused so as to connect him with the crime in question. The entire case is bases on the circumstantial evidence. On perusal of the charge-sheet, the

entire chain of circumstance does not complete or pointed out guilt towards the accused only. There is no material on record to show the pre-meeting in between the accused persons and with the help of conspiracy they have committed the murder of the deceased. The investigation is completed and charge-sheet has been filed before the Court. There is no material filed along with charge-sheet to prove the motive, intention to commit the offence, so as to connect the applicant/accused with the crime in question. The applicant/accused is permanent resident of given address. He is ready to abide all the terms and conditions imposed on him while releasing on bail. It will take considerable time to commence and conclude the trial. The applicant/accused is languishing in jail for more than two years and so his long incarceration in the jail is a clear violation of the Article 21 and which is self sufficient ground to release him on bail. Hence, the applicant/accused prayed for releasing him on bail.

3] The prosecution opposed the application on the ground that the offence is serious in nature. The prosecution further submitted that the applicant/accused is an habitual offender. He has committed murder of the deceased on account of financial dispute in between them. The applicant/accused is committed preplanned murder of the deceased and they have not only strangulated but also gave

blow of knife on his vital parts of the body. The applicant/accused is a resident of other District Amravati, so if he is released on bail, there is a possibility of absconding or flee from the justice. Hence, the prosecution prayed for rejection of the application.

4] Perused the application and say filed by the prosecution. Heard, the Advocate for the applicant/accused, learned APP for the State at length. I have also perused the documents filed along with charge-sheet.

5] I have perused the statements of witnesses, it reveals that, the applicant/accused has purchased one Pulsar Motorcycle from the deceased for worth Rs.12,000/-, but deceased has not given the documents of the vehicle to the applicant/accused. The accused No.3 also taken the hand loan of Rs.2,00,000/- from the deceased and accused No.3 is paying Rs.20,000/- interest per month to the deceased. The deceased was asking interest more than that as agreed in between them from accused No.3 and on that count there was a dispute in between them. The statement of witnesses states that due to strained relations in between the deceased and the accused persons, they have planned the murder of the deceased. They have taken the deceased at the remote place. Firstly they tried to press his neck and by strangulating tried to commit his murder but when they failed in doing that, at that time, co accused brought the knife and then gave

multiple blow of on the vital parts of the body of the deceased.

6] The prosecution has collected the CCTV footage, statement of witnesses to prove the last seen theory. As the case is based on the circumstantial evidence, therefore the prosecution collected sufficient material on record to prove the motive and intention of the accused persons to commit the offence. The investigation officer has collected the sufficient material against the applicant/accuses so as to connect him with the crime in question.

7] While deciding the bail application, it is necessary to see whether after releasing the accused on bail, there is a possibility of absconding or flee from the justice or whether trial will be delayed or if the applicant/accused is released on bail, there is a possibility of threatening the prosecution witnesses. Here in this case, co-accused are the resident of other states. On the other hand, the applicant/accused is resident of Amravati. Considering the nature of the crime, there is a possibility of threatening to the family embers of the deceased and witnesses. Therefore, considering the seriousness of the crime, considering the way of the commission of the crime, considering the pre meeting of mind planned murder committed by the accused persons, I am of

the opinion that, the applicant/accused is not entitled to be released on bail. If the applicant/accused is released on bail there is a possibility of threatening the prosecution witness. Hence, I proceed to pass the following order.

ORDER

The application below Exh.24 in Sessions Case No.277/2024 stands rejected.

Pune.

Date:-24/03/2026

(S.D. Kulkarni)

Additional Sessions Judge,
Pune.

CERTIFICATE

I affirm that the contents of PDF file Judgment are same word for word as per original Judgment.

Name of Steno : T. A. Shelke
(Stenographer G-I)

Court name : Shri. S. D. Kulkarni
Additional Sessions Judge, Pune

Judgment/Order delivered on : 24/03/2026

Judgment/Order signed by P. O. : 27/03/2026

Judgment/Order uploaded on : 27/03/2026