

MHRG170005012025



SESSIONS CASE NO.37/2025

The State of Maharashtra
Vs.
Sahir Ali Jalil Shaikh

CNR NO. MHRG170005012025

ORDER BELOW EXH.4

1. By this application, the applicant/accused Sahir Ali Jalil Shaikh has prayed for grant of bail.
2. Learned advocate Smt. Tahera Qureshi for the applicant has submitted that the applicant has been falsely implicated in this case and that the entire case is based upon circumstantial evidence. She would submit that initially the investigation had proceeded on the premise that the deceased was Sirajul Saintu Shaikh but later on it is found to be Imdadul Pachu Shaikh and thus it creates doubt about the person who is actually murdered. According to her, the report under Section 193 of the BNSS has already been submitted and that the trial has not yet commenced. Thus, it is prayed for grant of bail.
3. Learned APP Mr. A. S. Thakur has submitted that there is sufficient material collected by the Investigation Officer showing the involvement of the applicant and that if the applicant is released on bail, he would not be available to face trial. Thus, he has prayed to reject the application.

4. Upon perusal of the record, it is found that involvement of the applicant in the commission of the crime is surface. During investigation it is found that at the instance of the applicant, the weapon i.e. bracelet, which was used in the commission of the crime has been seized.
5. So far as, the contention in respect of identity of the deceased is concerned, at the time of postmortem examination DNA profile sample was collected and that in due course it is found to be tallying with the relatives of the deceased.
6. The police papers discloses that the friend of the applicant namely Chadikul Shaikh had come to meet the applicant and that he was removed out of the house by deceased Imdadul and that thereafter at about 4.00 p.m. while deceased Imdadul was sleeping in the house at night, Sarif Shaikh had noticed that the applicant was asking deceased Imdadul to wake up and that when said Sarif had asked the applicant as to why he was asking deceased Imdadul to wake up, the applicant had asked said Sarif Shaikh to keep quite and that if he would disturb him, said Sarif would be killed and that thereafter the applicant took said Imdadul with him from the room.
7. If the material collected by the Investigation Officer is taken into consideration in that case it would reveal that there was motive for the applicant to commit murder of the deceased and that he was lastly seen by said Sarif with

deceased Imdadul and that at the instance of the applicant the weapon which was used in the commission of the crime has been seized. The aforesaid circumstances, in my view are sufficient to prima facie establish involvement of the applicant in the commission of murder of deceased Imdadul.

8. In view of the aforesaid material and the fact that the applicant hails from Maldah, West Bengal if he is released on bail, he would not be available to face the trial. Thus, I found merit in the submission advanced by learned APP and accordingly I conclude that this is not a case wherein this Court shall exercise discretion and released the applicant on bail. Consequently, the application fails. Hence, I proceed to pass following order.

:: ORDER ::

- 1) The application Exh.4 is hereby rejected.
- 2) Inform to concerned Police Station and the applicant through Superintendent of prison.

(Dictated and Pronounced in open Court.)

Place : Panvel.
Date : 06/04/2026

(Dinesh E. Kothalikar)
Additional Sessions Judge, Court No.2,
Panvel, Dist. Raigad.