

MHRG170014872024



**IN THE COURT OF SPECIAL JUDGE
AT PANVEL, DISTRICT- RAIGAD**

SPECIAL CASE NO.124/2024

The State of Maharashtra

--- Prosecution

Vs.

Suhel Ismail Khan

--- Accused

Corum - Santosh C. Shinde

Date – 8th October 2025

Appearance-

Ld. advocate Mr. Sachin Patel for accused

Ld. Spl. P. P. absent.

Order below exh.17

1. Heard Ld. advocate Mr. Sachin Patel for accused & Ld. Spl. P. P for State is absent for argument.
2. Application is filed for regular bail.
3. My Ld. Predecessor had issued notice to victim, State of Maharashtra & Investigation Officer. Say is filed at exh.20 & 26 respectively.
4. Perused charge-sheet.

5. FIR shows that accused No.1 Nijamuddin committed forcible sexual intercourse with deceased and committed her murder by strangulation. Thereafter, in his taxi, her dead body was taken by accused No.1 at lonely place where accused No.2 & 3 assisted him in disposal of the dead body. It is alleged that accused No.2 & 3 helped accused No.1 to dispose of the mobile phone of deceased by throwing the same in a dry stream and thereby committed offence of disappearance of evidence.
6. Ld. advocate for accused No.2 submitted that FIR is registered against unknown person. Allegations against the accused is that mobile phone is disposed of by him. His role is limited to disappearance of evidence therefore, section 302 & 376 as well as sections of Atrocity Act are not applicable.
7. Ld. advocate for accused No.2 further submitted that punishment is not more than 3 years. Accused No.3 is on bail and role of accused No.3 is similar to the role of accused No.2. Accused is behind bars since 29th April 2024 and more than half of the punishment is suffered by him. There is no need to keep in custody. He is ready to abide by any condition.
8. Record shows that accused No.1 & deceased were in relationship. Deceased was belonging to Scheduled Caste. She was receiving frequent calls of someone therefore, there was quarrel between accused No.1 & deceased. Thereafter, accused No.1 committed forcible sexual intercourse with her

and committed her murder by strangulation. Initially accused No.1 had taken dead body in the primary health center pretending that deceased has drown in water and thereafter, he had taken dead body of deceased in his taxi with the help of accused No.2 & 3.

9. It is further alleged that dead body of deceased was thrown in a dry stream and accused No.2 & 3 disposed of SIM card & mobile phone of deceased by throwing the same in the same dry stream.
10. If facts & documents are considered then in present case main accused is accused No.1 who has committed murder of deceased. If role attributed to present accused is considered then it is alleged that he has caused disappearance of evidence to screen the accused No.1 from the punishment. Except, that no other role is attributed to present accused. Similar role is played by accused No.3 and accused No.3 is released on bail as per order of Hon'ble Bombay High Court.
11. If nature of offence and role attributed to present accused as well as period of his incarceration since his arrest is considered then I am of the view that there is no need to keep the applicant behind bars. Bail is rule and jail is exception. Object of bail cannot be ignored.
12. Bail cannot be withheld as punishment. It will take time to commence & conclude the trial therefore it would not be proper to keep applicant behind bars for indefinite period otherwise it will amount to pre-trial conviction. Applicant

can be released on bail by imposing certain conditions. As a result, I pass the following order.

ORDER

1. Application is allowed.
2. Accused Suhel Ismail Khan be released on bail on furnishing P.B. & S.B. of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in like amount in crime No.216/2024 registered at Uran Police Station, Navi Mumbai for offences punishable u/s.302, 201, 376(2) (n), r/w 34 of the IPC & u/s.3(1)(w)(i)(ii) & 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, if he is not required in any other offence.
3. Accused shall attend the trial regularly.
4. Accused shall not leave India without previous permission of the Court.
5. Accused shall not directly & indirectly make any inducement, threat or promise to any person acquainted with facts and circumstances of the case so as to dissuade him from disclosing such facts from the police & the Court.

6. Accused shall furnish his temporary & permanent residential proof, valid E-mail ID and mobile number.
7. Registry is directed to inform accused about this order on e-mail.

Application is disposed of accordingly)

Panvel
Date:08/10/2025

(Mr. S. C. Shinde)
Special Judge, Panvel
Dist.-Raigad