

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, SOLAPUR
(Presided over by Suraj V. Kendre)



Sessions Case No. 51/2024
State Vs. Sameer Chandsab Shaikh etc. 2
(CNR No. MHSO010006532024)

Order Passed Below Exh. 57

1. This is second bail application filed by applicant namely – Salman Pirsab Shaikh for grant of regular bail under Section 483 of The Bhartiya Nagarik Suraksha Sanhita, 2023 in Crime No. 696/2023 registered at Vijapur Naka Police Station for offences punishable under section 306 read with section 34 of Indian Penal Code and under section 66(E) of Information Technology Act, 2000.

2. As per the contents of the present bail application and oral argument, it is the case of the applicant that, report is lodged vide Crime No. 696/2023 registered at Vijapur Naka Police Station for aforesaid offences. In bail application and oral argument, he has reproduced the contents of FIR. He is in judicial custody from 23/12/2023. On 15/02/2024 charge sheet is filed. The Hon'ble High Court has granted bail to accused No. 1 and 3. The accused No. 2 has preferred SLP No. 4272/2025 before the Hon'ble Supreme Court. As per orders dated 13/12/2024 and 18/09/2025 the applicant No. 1 & 3 were released on bail whereas the Hon'ble Bombay High Court Circuit Bench at Kolhapur directed the applicant to file fresh bail before

the Trial Court. Previous bail application of the applicant was rejected by this Court. However, accused No. 1 and 3 were released on bail. Hence, there is change in circumstances and on the ground of parity the present application is filed. There is no evidence against the accused No. 2. The applicant is in jail from two years and trial has not been commenced. He is falsely implicated in this case. The accused No. 1 and deceased have decided to elope and marry against the wish of the informant. The accused No. 2 is the friend of accused No. 1. His mobile phone was used by his friends. Hence, he is falsely implicated in this case and therefore his career has been destroyed. No purpose will be served by keeping him behind bars. He will follow the terms and conditions of bail. Therefore, he may be released on bail.

3. The I.O. and Ld. A.P.P. filed say at Exh. 64 and opposed the application. So also the Informant filed say/affidavit at Exh.62 through his Advocate and resisted the application by reproducing the contents of FIR. As per the contents of say and their oral arguments, it is the case of prosecution that, nature of offence is very serious. The application for bail filed by applicant/accused No. 2 vide Cri. Bail Application No. 2433/2024 was rejected by Hon'ble Bombay High Court on 04/09/2024 and also appeal preferred by applicant before Hon'ble Supreme Court vide Special Leave to Appeal (Crl.) No(s). 4272/2025 was dismissed on 23/09/2025. There is no change in circumstances in the present matter since the last

application was dismissed by Hon'ble Supreme Court. The ground of parity mentioned by applicant by considering the bail granted to co-accused by the Hon'ble High Court. But, law of parity is not an absolute law, therefore, applicant can not seek bail on the ground of parity. The offence is very serious and non bailable. The active involvement of the applicant in commission of offence is prima facie seen. There is strong evidence against applicant. Under such circumstances, if applicant is released on bail, then he will abscond. He will bring pressure on informant and prosecution witnesses. He will not remain present before the Court during trial. Possibility of committing similar type of offence at the hands of applicant cannot be ruled out. His name and role is mentioned in F.I.R. Prosecution relied upon case of ***Cri. Appeal No. 601/2017 Virupakshappa Gouda And Another vs The State Of Karnataka And Another (Supreme Court)*** about maintainability of successive bail application for want of substantive change in fact situation or circumstances.

4. Heard both sides at length. Perused report and case diary. It prima facie appears from the FIR dated 18/12/2023 lodged by the informant, father of the deceased Saliya, that she has completed her education from Rampure Medical College at Gulbarga (Karnataka State) in the year 2020-21 and worked in Wachche Hospital, Solapur for some period. Deceased Saliya was having friendly relations with Simran and Ayesha from village Kumthe. Deceased was paying visits to the house of Ayesha and therefore acquainted with accused Sameer and his

friends Salman and Vasim. In the year 2019, Simran asked deceased Saliya to perform marriage with her brother Junnait and the said proposal was refused by the informant and deceased also. After some days, accused Sameer was asking the deceased to perform marriage with him, to which deceased refused. While the deceased was working in Vachche Hospital, the accused was roaming around the said hospital and was trying to interact with her. On one day, the accused sent snacks to the deceased in her hospital through his friend Vasim, but the deceased refused the same and driven out Vasim. After some days, the deceased informed this incident to the informant and therefore the informant, Jilani Shaikh and Rasul Shaikh went to the house of accused and informed his father with request to give understanding to the accused. Similarly, the informant and uncle of the accused Hanif also tried to convince the accused.

5. In the month of February, 2023 the marriage of the deceased was fixed with Gauspak Sanglikar and it was scheduled to be held on 18/12/2023. On 11/12/2023 the engagement of the deceased was performed with the said Gauspak Sanglikar. However, on 14/12/2023 said Gauspak informed to the deceased on phone call that somebody obtained his phone number and told him that his brother Sameer is having love-affair with the deceased since last four years and they are going to marry and asked him not to marry with the deceased. After some time, some obscene photographs of the deceased were sent on the whatsapp of the said Gauspak

Sanglikar. The deceased informed the said incident to the informant. Thereafter, the informant came to know that the said person was Salman. The informant inquired with Salman about the said incident and he nodded to the same and told him that he can do anything whatever he want and he will not care. Accordingly, on 15/12/2023 the informant went to the police station and lodged report against the accused Sameer and Salman. Even though on 16/12/2023 the accused Sameer, Wasim and Salman sent obscene photos of deceased and Sameer from mobile No. 9168020259 to the whatsapp of said Gauspak. Therefore, the deceased got shocked and became frustrated and was saying that her photos are edited, her image, image of her father in the society is tarnished and hence she don't want to live. Despite all these incidents, Gauspak was ready to perform marriage with the deceased and accordingly the marriage was scheduled to be held on 18/12/2023.

6. On 17/12/2023 the Haldi Programme of the deceased was held at the house of informant. After the programme, all the family members went to bed at 3.00 am on 18/12/2023. However, at about 5.00 am the informant's younger son Sajid woke up and did not find his sister Saliya. He made to wake up all family members. All of them started searching the deceased and after going on the first floor, they found that the door of the room was closed from inside. The door was broke open and Saliya was found hanging to the ceiling fan with the help of veil. After some time, the police arrived and took Saliya to the Civil

Hospital, Solapur. The Doctor declared her dead. Thereafter, the informant lodged report against the accused.

7. The Ld. Advocate for the accused argued that charge sheet is filed and there is change in the circumstances. At the very outset, needless to mention that filing of the charge-sheet does not in any manner lessen the allegations made by the prosecution. In this connection, it will not be out of place to take reference of case in ***Virupakshappa Gouda And Another vs The State Of Karnataka And Another : AIR 2017 SC 1685*** wherein the Hon'ble Apex Court made following observations :

“Filing of the charge-sheet does not in any manner lessen the allegations made by the prosecution. On the contrary, filing of the charge-sheet establishes that there is strong evidence against the accused.”

In view of the above observations, the submissions of the Ld. Advocate for the Applicant are not acceptable.

8. It is important to note that, the engagement of the deceased was performed as her marriage was fixed with Gauspak Sangalihar. However, the accused No. 2 has made call to Gauspak and informed him that the accused No. 1 and deceased were having love relations from last four years. They are going to perform marriage, don't perform marriage with her and subsequently he has sent photos and videos of accused No. 1 and deceased in compromised

position. After verifying the phone number the present accused has confirmed that he has sent the photographs. This incident took place on 15/12/2023 and when it came to the notice of Saliya Shaikh, she was in great frustration and thereafter after the programme of engagement on 18/12/2023 she has committed suicide. Thus there is direct and clear role of the accused No. 2 in the crime. Reason for committing suicide by deceased is only that accused No.2 has defamed her in the relatives.

9. It is pertinent to note that bail application No. 2433/2024 of accused No. 2 has been rejected by Hon'ble Bombay High Court and bail application No. i.e., Special Leave to Appeal No. 4272/2025 has been rejected by Hon'ble Apex Court on 23/09/2025.

10. The role played by the accused No. 1 and 3 is not similar with the role played by the accused No. 2 and therefore ground of parity will not be applicable to the accused No. 2. Though charge sheet of the accused was filed on 02/03/2024, till today all the accused were trying to prolong the framing of charge till 13/02/2025. After framing of charge also they are trying to prolong the hearing only on the ground that they have preferred bail applications before the Hon'ble High Court and Apex Court and therefore they are not ready to conduct the trial.

11. Nature of offence is very serious. Because of the role played by the accused No. 2 in the crime, the innocent deceased Saliya Shaikh has committed suicide after her engagement. The witnesses and informant are resident of same vicinity where accused No. 2 resides. In such circumstances, if the accused No. 2 is released on bail, then possibility of commission of serious offence against the informant and witnesses, pressurizing the witnesses and absconding of accused No. 2 can not be ruled out. Therefore, present application deserves rejection. Hence, following order is passed.

ORDER

Regular bail application is rejected.

(Suraj V. Kendre)
Additional Sessions Judge,
Solapur.

Date : 26/11/2025

C E R T I F I C A T E

I affirm that the contents of this PDF file Judgment/
Order is same word to word as per the original Judgment/Order.

- (a) Name of the Stenographer : Mahesh Arjun Kore (Grade-1)
- (b) Court : Ad-hoc District Judge-1 &
Addl. Sessions Judge, Solapur.
- (c) Order dictated by P.O. on : 26/11/2025
- (d) Order signed by P.O. on : 26/11/2025
- (e) Order uploaded on : 29/11/2025