



AGK

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

**BAIL APPLICATION NO.2829 OF 2025**

Shafiq Ali Haider,  
An Indian inhabitant, aged about  
32 years, House No.24, Tilgadiya,  
Budrak, Than Dumriganj,  
District Siddharth Nagar, U.P.  
At present lodged in  
Taloja Central Prison

... Applicant

**V/s.**

The State of Maharashtra,  
at the instance of  
Panvel City Police Station.

... Respondent

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Mr. Milan Desai for the applicant.

Mrs. Rajashree V. Newton, APP for the respondent-  
State.

**CORAM : AMIT BORKAR, J.**

**DATED : OCTOBER 13, 2025**

**JUDGMENT:**

1. By this application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), the applicant seeks regular bail in connection with Crime Register No.414 of 2023 registered with Panvel City Police Station for offences punishable under Sections 302 and 201 of the Indian Penal Code, 1860 (IPC).

2. The prosecution case, in brief, is that on 28 June 2023 at about 6.30 p.m., one Mukramali Hashmad Kasar visited Panvel

City Police Station and lodged a report stating that at about 7.00 a.m. the same morning, he had received a call from the wife of his brother, Mohd. Aslam Harshad, inquiring about her husband's whereabouts. She told him that her husband had called her at about 2.00 a.m. saying that he would reach his native place by train at 7.00 a.m., but he never arrived and his phone was found switched off. Based on this report, a missing person's complaint bearing No.68 of 2023 was registered.

3. During the course of inquiry, it was revealed that on 27 June 2023 at about 9.30 a.m., the deceased Mohd. Aslam Harshad was last seen in the company of the present applicant. The police questioned the applicant, who allegedly confessed that he had borrowed Rs.57,000 from the deceased over a period of time. On 27 June 2023, when the deceased demanded repayment, a quarrel took place between them. The deceased allegedly abused the applicant verbally and physically, upon which the applicant, in a fit of anger, beheaded the deceased with a fish-cutting knife. The applicant allegedly placed the body and the head in twelve different gunny bags and disposed of them.

4. Upon learning this, an FIR was registered on 14 July 2023 at about 10.00 p.m. During investigation, the applicant was arrested on 15 July 2023 at 12.12 a.m. The prosecution states that the applicant made disclosure statements under Section 27 of the Indian Evidence Act, leading to the recovery of the deceased's body and head. The applicant also pointed out the shop from where he had purchased the gunny bags and knife. The police recorded several witness statements and seized CCTV footage showing the

applicant and the deceased together, and later the applicant carrying a gunny bag on a scooter. On completion of investigation, a charge-sheet was filed.

5. Learned Advocate Mr. Desai, appearing for the applicant, submitted that the case rests entirely on circumstantial evidence. The prosecution relies upon four circumstances: (i) discovery of the body and head at the instance of the applicant, (ii) last seen theory, (iii) CCTV footage showing the applicant carrying a bag along with witness Rohit Kumar, and (iv) motive of non-payment of Rs.57,000. He submitted that the police already knew about the body before the disclosure. According to witness Rohit Kumar, the body was taken to a different place, but it was later recovered from an open and accessible area. He further submitted that the plastic bag described by the witness did not contain any blood stains, although the prosecution case involves beheading. He argued that there is no credible material to show that any such monetary transaction ever took place between the deceased and the applicant, as no relative or friend of the deceased mentioned any such fact. On the aspect of last seen, he argued that none of the witnesses who allegedly saw the deceased with the applicant stated that the deceased appeared anxious or that there was any tension between them. The body of the deceased was recovered around midnight on 15 July 2023 in a decomposed condition, which made it impossible to determine the exact time of death. Hence, the alleged last-seen circumstance loses its significance.

6. The prosecution relies on CCTV footage from Arpan Society showing the applicant and the deceased together, and later the

applicant moving in and out of his shop between 6.15 a.m. and 6.45 a.m., carrying a bag on a scooter. Another CCTV footage from Deep Devansh Building shows the applicant and Rohit Kumar carrying a gunny bag on a motorcycle at about 4.23 a.m. on 29 June 2023, which, according to prosecution, contained the torso. Learned counsel submitted that if the murder occurred in Deep Enterprises Building, as alleged, there should have been CCTV footage of the deceased entering or exiting that building. No such footage was seized or exists. He further submitted that if a person's head was severed, the bag carrying such remains would be soaked with blood, and the stains would be clearly visible in the CCTV footage. The absence of such evidence, according to him, raises serious doubt about the prosecution version. The statement of witness Rohit Kumar shows that the applicant woke him at about 4.00 a.m. on 29 June 2023 and told him that a goat had died and they needed to dispose of it. Believing this, Rohit Kumar accompanied him to Deep Devansh Building, where the applicant tied something in a plastic bag and disposed of it, saying it was a dead goat. This indicates that the alleged killing did not take place in the night between 28 and 29 June 2023 as claimed by the prosecution. The prosecution mainly relies upon the alleged disclosure statements of the applicant under Section 27 of the Evidence Act. However, there is no scientific evidence to establish that the recovered body parts belonged to the deceased. The applicant was arrested at 12.12 a.m. on 15 July 2023, and the disclosure panchanama commenced within 18 minutes thereafter. The body was recovered from an open place accessible to the

public. Later, at 6.20 p.m. the same day, another disclosure was recorded leading to the alleged recovery of the head. He contended that these circumstances are not sufficient to complete the chain of evidence. The applicant has been in custody since 15 July 2023, and the trial is unlikely to conclude soon. He, therefore, prayed for grant of bail.

7. Mrs. Rajashree V. Newton, learned APP opposed the bail application. She submitted that the recovery of the torso and head at the instance of the applicant is a strong incriminating circumstance. The CCTV footage corroborates the last-seen circumstance and shows the applicant carrying a bag along with Rohit Kumar. The witness Rohit Kumar stated that in the early hours of 29 June 2023, on the day of Bakri Eid, the applicant told him that his goat had died and asked for help to dispose of it. After disposing of the bag, the applicant paid him Rs.200 for expenses. These facts, according to her, form a complete chain of circumstances connecting the applicant to the crime. Hence, she submitted that the bail application deserves to be rejected.

8. Having considered the material placed on record, the rival submissions, and the gravity of the allegations, this Court finds no case for grant of bail to the applicant. The reasons are as follows.

9. The accusations against the applicant are grave and heinous. The case involves offences punishable under Sections 302 and 201 of the Indian Penal Code. The nature of the act attributed to the applicant shows extreme brutality. It is alleged that the applicant not only committed murder but also attempted to destroy the

evidence by dismembering the body and disposing it in multiple gunny bags. Such conduct, if established, reflects a calculated and deliberate act.

**10.** The material collected during investigation prima facie connects the applicant with the crime. The deceased was last seen alive in the company of the applicant. The CCTV footage from various locations confirms that the applicant and the deceased were together shortly before the deceased went missing. The same footage further shows the applicant carrying a gunny bag on a two-wheeler in the early morning hours soon after the time when the deceased was last seen. This circumstance, coupled with the recovery of the dead body and head at the instance of the applicant, forms a chain which prima facie points to the guilt of the applicant.

**11.** The recovery of the torso and the severed head of the deceased at the instance of the applicant is, in the opinion of this Court, a circumstance of great evidentiary value. The said recoveries were made pursuant to the voluntary statements of the applicant recorded under Section 27 of the Indian Evidence Act. The said provision makes admissible only that portion of a statement which leads to the discovery of a fact. The principle behind it is that discovery of a material object or fact in consequence of information given by the accused lends assurance that the information is truthful to that extent.

**12.** In the present case, the disclosure statements made by the applicant led to the recovery of the torso and subsequently the

decapitated head of the deceased. Both recoveries were effected within a short time after the arrest of the applicant. Such immediacy between the disclosure and discovery adds to the credibility of the prosecution version and rules out the possibility of fabrication or planting. It is significant that the discoveries are not of trivial or common objects, but of the dead body of the deceased himself. This goes to the very root of the case, as the discovery directly connects the applicant to the concealment and disposal of the body.

**13.** The prosecution has drawn panchanamas of discovery in the presence of independent witnesses. The sequence recorded in the case diary shows that the disclosure was voluntarily made by the applicant, and the police had no prior knowledge of the place where the body parts were concealed. The recoveries thus stand as independent corroborative evidence of the applicant's own conduct after the incident.

**14.** The evidentiary value of discovery under Section 27 of the Indian Evidence Act depends upon the nature of the fact discovered and its proximity to the commission of the offence. Both recovery of a weapon and recovery of a body can fall within the scope of Section 27, but their evidentiary weight differs according to the nature of the object discovered and its connection with the crime.

**15.** When an accused person makes a statement leading to the discovery of a weapon, such as a knife or firearm, its evidentiary value lies in the inference that the accused had knowledge of its

location and that it may have been used in the offence. However, the discovery of a weapon, by itself, is not conclusive proof that the weapon was used in the crime. Its evidentiary value depends on further corroboration, such as matching blood stains, fingerprints, forensic analysis, or witness testimony connecting it to the offence. If such corroborative evidence is absent, recovery of a weapon alone remains a weak piece of evidence.

**16.** In contrast, when the recovery relates to the body of the deceased, the evidentiary value is much higher and carries greater probative force. The discovery of the dead body at the instance of the accused is not a neutral fact; it directly connects the accused to the very act of homicide or its concealment. The dead body is the most vital link in a case of murder, for it is the *corpus delicti*—the physical proof that a crime of killing has indeed occurred. When the accused himself points out the place where the body or its parts are found, it unmistakably shows his knowledge of the fact and location of the concealment, which only the perpetrator or a participant in the crime could possess.

**17.** Therefore, recovery of a weapon under Section 27 is an evidentiary circumstance that requires independent corroboration. It proves the accused's knowledge of where the weapon was kept, but does not, by itself, prove that it was used in the offence. On the other hand, recovery of the body of the deceased is a direct and incriminating fact. It goes to the root of the offence, as it establishes both the occurrence of death and the accused's knowledge of the concealment.



**18.** In the present case, the recovery of the torso and the severed head of the deceased was made at the instance of the applicant pursuant to his disclosure under Section 27 of the Evidence Act. The applicant has not offered any explanation as to how he came to know of the place where the body parts were concealed. In such a situation, three possibilities ordinarily arise when an accused points out the place where a dead body or incriminating material is found without expressly admitting that he himself concealed it. First, that he himself concealed it. Second, that he saw someone else concealing it. Third, that he was informed by another person of the concealment.

**19.** In the present case, the applicant has chosen not to disclose that his knowledge was derived from either of the latter two possibilities. He has not suggested that someone else concealed the body or that he came to know of its location from another source. In these circumstances, the only reasonable inference that can be drawn at this stage is that it was the applicant himself who concealed the body after the commission of the crime.

**20.** This inference is consistent with the principle underlying Section 27 of the Evidence Act, which permits the Court to rely upon that part of the information leading to discovery of a fact. When the accused points out the place of concealment of the dead body and fails to explain his knowledge, the presumption that he was personally responsible for its concealment is a natural and justified course for the Court to adopt. Such conduct forms a strong incriminating circumstance against the applicant and supports the prosecution version at the stage of considering bail.

**21.** The recovery of the torso and head of the deceased, being the most vital physical evidence of the crime, cannot be lightly brushed aside. The nature of the discovery, its timing, and the circumstances under which it was made form a strong link in the chain of circumstances. The recovery is not a mere procedural step, but one that establishes the nexus between the act of murder and the attempt to destroy evidence under Section 201 of IPC.

**22.** The argument advanced by the defence that the body was lying in an open space and therefore accessible to anyone cannot be accepted. The recoveries were effected only after the specific pointing out by the applicant, which clearly shows his knowledge of the location. The fact that the applicant alone could lead the police to that place indicates his involvement in the concealment of the body.

**23.** Thus, the discovery of the torso and the head of the deceased pursuant to the information given by the applicant is a strong and compelling circumstance. It substantially advances the prosecution case and, at this stage, provides prima facie proof of the applicant's direct connection with the crime.

**24.** The statement of witness Rohit Kumar provides further corroboration. He has stated that in the early hours of 29 June 2023, the applicant woke him up and told him that a goat had died and sought his help to dispose of it. Believing this, the witness accompanied the applicant and helped him carry a heavy bag on a motorcycle. Subsequently, the bag was thrown away, and the applicant paid him Rs.200 for expenses. This incident, read with

the CCTV footage showing the applicant carrying a similar bag at the same time, forms a consistent chain of circumstances.

25. The plea of the applicant that the body was already known to the police and that the recovery is planted does not inspire confidence. The recovery panchanamas have been drawn contemporaneously and in the presence of independent panch witnesses. The place of recovery was specifically pointed out by the applicant. The sequence of events recorded in the case diary shows that the recoveries were made pursuant to the applicant's voluntary disclosure.

26. The motive alleged by the prosecution, though not by itself conclusive, is not improbable. The dispute over repayment appears to be the immediate provocation. The absence of written proof of debt is immaterial at this stage. Motive is only a supporting circumstance and need not be proved like the fact in issue.

27. The contention of the learned Advocate for the applicant that if the head of a person was severed, the bag carrying such remains would necessarily be soaked with blood and that the same should have been visible in the CCTV footage, does not create any substantial doubt at this stage. The argument rests upon an assumption rather than a proved fact. The absence of visible blood stains in CCTV footage cannot, by itself, weaken the prosecution case when there is other strong material pointing towards the applicant's involvement.

28. It must be noted that CCTV footage is not meant to capture microscopic details such as stains or colour shades. The quality,

distance, angle, and lighting conditions at the time of recording determine the visibility of such details. The footage, in this case, has been relied upon only to establish the presence and movement of the applicant with a gunny bag during the relevant hours, not the condition of the bag or its contents.

**29.** Moreover, the prosecution case does not rest solely upon CCTV footage. It is supported by several independent circumstances, including (i) the applicant being last seen with the deceased, (ii) his own disclosure leading to the recovery of the torso and head of the deceased, and (iii) the statement of witness Rohit Kumar corroborating the applicant's movements in the early hours following the disappearance. When these circumstances are viewed collectively, the absence of visible stains in CCTV footage does not erode the prima facie case.

**30.** The evidentiary value of CCTV footage lies in confirming the applicant's conduct and presence at crucial times, not in proving the physical appearance of the contents of the bag. The argument, therefore, does not carry persuasive weight at the stage of deciding bail. The Court, at this stage, is concerned only with the existence of material showing prima facie involvement of the applicant, and not with testing each circumstance through forensic precision.

**31.** Hence, this submission of the defence, though noted, does not dislodge the chain of circumstances forming the foundation of the prosecution case.

**32.** The contention that the deceased's body was decomposed and, therefore, the time of death could not be determined is also of

no consequence. The medical opinion on decomposition may only affect precision of timing, but it does not discredit the prosecution case when other material connects the applicant with the act of disposal of the body.

**33.** The conduct of the applicant after the incident further strengthens the prosecution case. He did not report the incident to the police. He allegedly misled witness Rohit Kumar by giving a false explanation about a dead goat. His subsequent acts of disposing of the body and concealing the weapon are consistent only with a guilty mind.

**34.** The contention raised on behalf of the applicant that the prosecution has no direct evidence and that the case rests only on circumstantial evidence does not hold much weight. In cases of serious offences like murder, it is rare to have an eyewitness. Courts have consistently held that circumstantial evidence, when it forms a complete and unbroken chain leading only to one conclusion, that the accused is the perpetrator of the crime, is as good as convincing evidence.

**35.** At the stage of considering bail, the Court does not examine the truthfulness or reliability of each piece of evidence in detail, as such an assessment is reserved for the trial. The Court must only see whether the material placed before it shows a prima facie case indicating the involvement of the applicant in the crime. If the circumstances collected during investigation appear to form a link that points towards the guilt of the accused, it is not proper to grant bail merely because the evidence is circumstantial.

36. The submission of the learned Advocate for the applicant that the last-seen circumstance loses its significance because the witnesses did not observe any tension between the applicant and the deceased, and because the deceased's body was found in a decomposed condition, does not persuade this Court at the stage of considering bail.

37. It is true that the time of death could not be precisely determined due to decomposition. However, the last-seen theory does not rest solely upon the estimation of time of death but upon the proximity of the accused's presence with the deceased in point of time before the disappearance. The fact that the deceased was last seen alive in the company of the applicant shortly before he went missing is a material circumstance which cannot be ignored. The absence of any visible quarrel or anxiety at that time does not dilute the significance of their being together just before the disappearance.

38. The principle of "last seen together" is not dependent upon proof of visible hostility or emotional state of the deceased. What matters is the closeness of time between the deceased being last seen alive with the accused and the subsequent discovery of death. When the accused and deceased were last seen together, and the accused fails to explain the circumstances under which they parted company, the Court may draw a presumption under Section 106 of the Evidence Act that the accused alone had special knowledge of what happened thereafter.

39. In the present case, the prosecution has established through witness statements and CCTV footage that the deceased was last seen with the applicant on 27 June 2023. Thereafter, the deceased went missing and his dead body was recovered later. The applicant has not offered any explanation as to when or how he parted company with the deceased. In such a situation, the proximity between the last-seen point and the discovery of the dead body assumes importance.

40. The contention that the body was decomposed and hence the time of death could not be determined with precision cannot erase the probative value of this circumstance. Decomposition only affects medical estimation, not the credibility of the eyewitness or electronic evidence showing that the deceased was last seen with the applicant.

41. Therefore, the last-seen circumstance continues to form an important link in the chain of events. When read with the recovery of the body and the disclosure statements made by the applicant, it strengthens the prima facie inference of his involvement. The argument of the defence, thus, does not diminish the evidentiary weight of this circumstance for the purpose of deciding the question of bail.

42. In the present case, the prosecution has produced sufficient material to establish a prima facie link between the applicant and the crime. The deceased was last seen in the company of the applicant. The CCTV footage shows them together shortly before the disappearance. The same footage further shows the applicant

later carrying a heavy gunny bag on a scooter. The recovery of the torso and head of the deceased at the instance of the applicant adds another strong circumstance connecting him with the offence.

**43.** These circumstances, when viewed together, cannot be treated in isolation. Each one of them forms a part of a complete chain that leads to the conclusion that the applicant is involved in the crime. At this stage, the Court is not required to test the sufficiency of each link separately, but only to determine whether, collectively, they disclose a strong prima facie case. The material presently on record, in the opinion of this Court, clearly satisfies that test.

**44.** Therefore, the mere absence of direct evidence is not a valid ground for grant of bail in such a serious offence, particularly when the circumstantial evidence collected during investigation creates a clear and coherent chain pointing towards the applicant's involvement in the murder.

**45.** The seriousness of the charge, the nature of the evidence, and the manner in which the offence is alleged to have been committed leave little scope for grant of bail. The offence is not only grave but also shocks the conscience of society. The possibility of the applicant tampering with evidence or influencing witnesses cannot be ruled out if he is released. The principal witnesses, including Rohit Kumar and other local persons, are from the same area where the applicant resides.

**46.** The investigation is complete and the charge-sheet is filed, but that alone does not entitle the applicant to bail. The offence



involves brutal murder and destruction of evidence. The likelihood of the applicant fleeing from justice or attempting to influence witnesses is not remote.

47. The Court is mindful of the principle that bail is the rule and jail the exception. However, in cases involving grave offences under Section 302 of IPC, where the evidence on record establishes a prima facie chain pointing towards the guilt of the accused, personal liberty must yield to the larger interest of justice and societal safety.

48. Considering the totality of circumstances, the nature of evidence, and the gravity of the alleged offence, this Court is of the view that the applicant has failed to make out any case for grant of bail.

49. The bail application is, therefore, rejected.

**(AMIT BORKAR, J.)**