

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 706 OF 2025

Sikandar Hussein Sayyed

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Anjali Patil a/w Mr. Tohid Shaikh, learned Advocates for the Applicant.

Ms. Veera Shinde, learned A.P.P. for the State/Respondent.

API Mr. Rakesh Udesing Gumane attached to Mahalunge M.I.D.C. Police Station, Pimpri-Chinchwad is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 14th AUGUST 2025.

P.C. :

1. Heard Ms. Anjali Patil, learned Advocate for the Applicant and Ms. Veera Shinde, learned A.P.P. for the State/Respondent.

2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**” for short), the Applicant is before this Court seeking regular bail in connection with Crime No. 164 of 2024 registered with Mahalunge M.I.D.C. Police Station, Pimpri-Chinchwad for the offences punishable under Sections 302, 364, 201, 212, 120(B), 420 read with 34 of the Indian Penal Code, 1860 (“**IPC**” for short) and Sections 3(1)(i)(ii), 3(2) & 3(4) of the Maharashtra Control of Organized Crime Act, 1999 (“**MCOC Act**” for short).

3. Ms. Anjali Patil, learned Advocate for the Applicant submits that Crime No. 164 of 2024 is registered as Special Case No. 1136 of 2024 and is pending before the Court of Special Judge under MCOC Act, Pune.

4. There are 7 accused persons in the present crime. Applicant is Accused No. 7.

5. First Information Report was registered on the basis of a complaint lodged by Mrs. Rohini Yuvraj Bhangare (Informant). Case of the prosecution is that Aditya Yuvraj Bhangare (deceased), son of the Informant was murdered by the accused persons named in the FIR. Motive for committing murder of deceased Aditya was to avenge the death of brother of Ritesh Pawar, who was murdered by the rival group of which Aditya was a member.

6. Applicant was arrested on 18th June 2024. Criminal Bail Application at Exhibit-8 filed by the Applicant in Special Case No. 1136 of 2024, was rejected by the learned Special Judge under MCOC Act, Pune by order dated 21st January 2025.

7. Ms. Anjali Patil, learned Advocate for the Applicant submits that the Applicant is a sim card vendor. She submits that the allegations against the Applicant in the present crime is of selling/providing sim cards to other accused persons in the present crime. She submits that the prosecution has recorded statements of 18 witnesses as also confessional statements of Accused Nos. 2, 4, 5 and 7. She by referring to the said statements of 18 prosecution witnesses and the confessional statements made by Accused Nos. 2, 4, 5 and 7 under Section 18 of the MCOC Act,

submits that the involvement of Applicant is to the extent of selling/providing sim cards to the accused persons. She submits that the Applicant was neither present at the place of incident nor has the Applicant participated in the crime. She submits that there is no other material of whatsoever nature against the Applicant. She submits that the Applicant does not have any criminal antecedents.

8. Ms. Veera Shinde, learned A.P. P. for the State/Respondent submits that the Applicant has been implicated as an accused in the present crime as the investigation revealed that the sim cards used by the accused, were purchased from the Applicant. She fairly submits that there is no other material against the Applicant.

9. I have perused the records with the assistance of learned Advocates of the parties.

10. Perusal of the charge-sheet reveals that the accused persons in the crime had procured sim cards from the Applicant. Prosecution witnesses do not assign any other role to the Applicant in the said crime. Confessional statements of 4 accused persons do not indicate involvement of the Applicant in the present crime. CCTV Footage recovered by the prosecution does not show the presence of Applicant in the crime.

11. Considering the nature of material on record and the submission made by Ms. Veera Shinde, learned A.P.P. for the State, *prima facie* the prosecution has failed to show the complicity of the Applicant in the crime.

12. Applicant is in jail since 18th June 2024. In the facts and circumstances of the case, detention of the Applicant during pendency of trial is not warranted. Applicant is therefore entitled to bail.

13. In view of the above, the present Bail Application is allowed on the following conditions :-

- a. Applicant is directed to be released on bail in connection with Crime No. 164 of 2024 registered with Mahalunge M.I.D.C. Police Station, Pimpri-Chinchwad for the offences punishable under Sections 302, 364, 201, 212, 120(B), 420 read with 34 of the IPC and Sections 3(1)(i)(ii), 3(2) & 3(4) of the MCOC Act on executing P.R. Bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand Only) with one or two local sureties in the like amount to the satisfaction of the Special Judge under MCOC Act, Pune.
- b. Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of accusation, so as to dissuade such person from disclosing such facts to the Court or to any police officer.
- c. Applicant shall not tamper with the prosecution witnesses and evidence in any manner.
- d. Applicant upon his release, within a period of three days from his release, shall furnish his cell phone

number and residential address with proof to the Investigating Officer, Mahalunge M.I.D.C. Police Station, Pimpri-Chinchwad and shall keep the same updated, in case of any change thereto.

- e. Applicant shall co-operate in the conduct of the trial of Special Case No. 1136 of 2024 and shall regularly attend the hearing of the case pending on the file of Special Judge under MCOC Act, Pune, on each and every date, unless exempted from appearance.
- f. Applicant shall report/attend before the Investigating Officer, Mahalunge M.I.D.C. Police Station, Pimpri-Chinchwad on 1st Saturday of every month from 10.00 a.m. to 1.00 p.m. till framing of the charge in Special Case No. 1136 of 2024.

14. Criminal Bail Application No. 706 of 2025 stands disposed of in the abovesaid terms..

[ASHWIN D. BHOBE, J.]

Digitally signed
by GITALAXMI
KRISHNA
KOTAWADEKAR
Date:
2025.08.18
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