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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1795 OF 2025

Zameer Sameer Sayyed @
Zameer Hasan Sameer Hasan Sayyed .. Applicant
Versus
The State of Maharashtra .. Respondent

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- Ms. Puja Yadav a/w. Mr. Shreerath Kamath, Advocates for Applicant.
 - Ms. Mahalakshmi Ganapathy, APP for Respondent – State.

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CORAM : MILIND N. JADHAV, J.
DATE : APRIL 30, 2025.

P.C.:

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1. Heard Ms. Yadav, learned Advocate for Applicant and Ms. Ganapathy, learned APP for Respondent – State.

2. This is an Application under Section 483 of the Bharatiya Nagarik Suraksha Nagarik, 2023 (for short ‘**BNSS**’) seeking Regular Bail in connection with C.R. No.1087 of 2024 registered with Khar Police Station for the offences punishable under Sections 304(2), 317(4) and 112 of the Bharatiya Nyaya Sanhita, 2023 (for short ‘**BNS**’).

3. Accusation of the prosecution against the Applicant is that he is the receiver of the stolen property namely mobile phone which was alleged to have been robbed by Accused No.1. There are total 4 Accused persons in the present crime out of which 1 Accused person is

absconding. Present Applicant is arraigned as Accused No.3.

4. Ms. Yadav, learned Advocate for Applicant would submit that there has been no recovery of the alleged stolen mobile phone either from any of the other accused persons or from the present Applicant. She would submit that prosecution case against the Applicant is solely based on the confessional statement recorded under Section 180 of the BNSS of the co-accused person namely Accused No.1 to the indicting Accused No.3 to be the receiver of the stolen mobile phone.

5. That apart, she would submit that there is no other incriminating material directed towards the complicity of the Applicant in the present crime. She would submit that Applicant has already suffered incarceration for the past more than 3 months and case of the prosecution is solely based on co-accused's statement and is hit by the bar of Section 25 of the Indian Evidence Act, 1872 as it is the statement made before the Police Officer. She would persuade the Court to consider the case of the Applicant for grant of bail. She would fairly inform the Court that Applicant has several antecedents against him.

6. Ms. Ganapathy, learned APP appearing for the prosecution shall ascertain the veracity of the submissions made on behalf of the Applicant from the record of the case and accordingly apprise the

precise role of the Applicant in the crime to the Court on the next adjourned date.

7. Learned Advocate for Applicant would submit that custody of the Applicant is sought for by the prosecution from the other two FIRs which are registered against the Applicant and Bail Application pertaining to those crime is being heard by the Court on 2nd May 2025.

8. In view of the request made by Ms. Yadav, list the present Bail Application alongwith Bail Application Nos.1812 of 2025 and 1809 of 2025 on **2nd May 2025**.

[MILIND N. JADHAV, J.]

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