

AGK

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

**BAIL APPLICATION NO.1997 OF 2025
AND
BAIL APPLICATION NO.1999 OF 2025
AND
BAIL APPLICATION NO.2000 OF 2025**

Sameer Hasan Sayyed ... Applicant
V/s.
The State of Maharashtra ... Respondent

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Mr. R.M.H. Jabli for the applicant.

Mrs. Megha S. Bajoria, APP for the respondent-State in
BA/1997/2025 & BA/2000/2025.

Mrs. Rajashree V. Newton, APP for the respondent-
State in BA/1999/2025.

Mr. H. Kumbhare, PSI, Khar Police Station, Mumbai, is
present.

CORAM : AMIT BORKAR, J.

DATED : JULY 25, 2025

P.C.:

1. These are three bail applications filed by the applicant under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023, seeking his release on bail in connection with three separate First Information Reports (FIRs), namely: Bail Application No. 1997 of 2025 in connection with Crime Register No. 1045 of 2024, Bail Application No. 1999 of 2025 in connection with Crime Register No. 1087 of 2024, and Bail Application No. 2000 of 2025 in connection with Crime Register No. 1201 of 2024, all registered

with Khar Police Station for offences punishable under Sections 304(2), 317(4), and 112 of the Bhartiya Nyay Sanhita, 2023.

2. In the above-mentioned crimes, the applicant was arrested on 7th January 2025, 14th January 2025, and 21st January 2025, respectively.

3. As per the case of the prosecution, in each of these cases, the chain of events is similar. It is alleged that the original theft of a mobile phone was committed by Accused No.1, who thereafter handed over the stolen phone to Accused No.2. Accused No.2 in turn gave the phone to the present applicant, who allegedly passed it on to Accused No.4, who is presently absconding, for the purpose of its sale. The applicant has been arrested primarily on the basis of the disclosure statement of Accused No.1.

4. It is further the prosecution's case that during the course of investigation, four stolen mobile phones were recovered from the dicky of the scooter owned by the Accused No. 1, and such recovery has been recorded through panchnama under Section 27 of the Bhartiya Sakshya Adhiniyam, 2023. The prosecution submits that while there may be difficulty in procuring direct evidence in such cases, the circumstantial evidence available on record, including the chain of recovery and statements of co-accused, strongly point towards the involvement of the present applicant.

5. The earlier bail applications filed by the applicant before the Sessions Court came to be rejected.

6. Learned counsel for the applicant submits that except for the alleged statement made by the applicant under Section 27 of the

Bhartiya Sakshya Adhiniyam, 2023, and a so-called confession under Section 25, there is no other material evidence on record to link the applicant with the alleged offences. It is further submitted that there is no recovery of the mobile phones from the Applicant.

7. It is also submitted that charges are not yet framed, and there is no immediate prospect of trial commencing or concluding in the near future. The applicant has remained in custody since January 2025, and hence, it is prayed that he be enlarged on bail, subject to suitable conditions.

8. The learned APP, however, opposes the bail applications. It is submitted that the modus operandi adopted by the applicant and his co-accused reveals a pattern of systematic activity, wherein the theft of high-end phones is followed by their channelized disposal through known intermediaries like the applicant. In the present cases, it is alleged that an iPhone was stolen by Accused Nos. 2 and 3, and was thereafter handed over to the present applicant, who, in turn, passed it to Accused No.4 for dismantling and sale of parts in the open market. The APP further submits that the applicant has eight prior criminal antecedents, all relating to similar offences involving theft and dishonest receipt of stolen property. Hence, there is a reasonable apprehension that if the applicant is released on bail, he may indulge in repetition of similar crimes, thereby affecting public order and hindering the investigation.

9. Upon careful consideration of the submissions of both sides, and upon perusal of the material on record, following points

emerge:

- (i) The applicant is not alleged to have committed the theft himself.
- (ii) The connection of the applicant is primarily as an alleged intermediary or conduit.
- (iii) The material against the applicant mainly comprises the statement of co-accused.
- (iv) The recovery of four mobile phones is common and not specific to the FIRs in question.
- (v) There is no material to show that the applicant was found in actual possession of any part dismantled or resold phones.
- (vi) The applicant is in custody since January 2025 and the charges are yet to be framed.
- (vii) The trial is likely to take considerable time for completion.

10. While it is true that the applicant has prior antecedents, mere pendency of past cases without conviction cannot, by itself, justify denial of bail when the present case does not prima facie reflect grave involvement in a violent or heinous offence. The applicant's custodial interrogation is already over and no further recovery remains to be made.

11. In light of the above, this Court is of the opinion that continued incarceration of the applicant is not necessary. He can

be released on bail with strict conditions to ensure his availability during the trial and to prevent any further criminal activity.

12. Hence, the following order :

(a) The Bail Application is allowed.

(b) The applicant is directed to be released on bail in connection with Crime Register No. 1045 of 2024, Crime Register No. 1087 of 2024, and in Crime Register No. 1201 of 2024 registered with Khar Police Station for offences punishable under Sections 304(2), 317(4), 112 of the BNS, upon furnishing a Personal Bond of ₹25,000/- (Rupees Twenty-Five Thousand only) along with one or more solvent sureties in the like amount in each case, to the satisfaction of the learned Trial Court, subject to the following conditions:

(c) The applicant shall not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness.

(d) The applicant shall attend all proceedings before the Trial Court regularly, unless exempted by the Court on valid grounds supported by sufficient cause.

(d) The applicant shall report to the Khar Police Station on the first Monday of every month between 10.00 a.m. and 12.00 noon, until further orders.

(e) The applicant shall not leave the territorial jurisdiction of the Trial Court without its prior written permission.

(f) The applicant shall not commit any offence or engage in any criminal activity during the pendency of the trial.

(g) The applicant shall, at the time of furnishing surety, provide his current residential address and mobile number to the Investigating Officer as well as the Trial Court, and shall inform the Court in writing of any change in residence or contact details during the pendency of the case.

(h) In case of any breach of the conditions mentioned above, the prosecution shall be at liberty to move for cancellation of bail.

13. All the bail applications are allowed and disposed of in above terms.

(AMIT BORKAR, J.)