



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL APPLICATION (BA) NO. 314 OF 2025**

Sayyed Abrar Ahmad s/o Intesar Ahmad  
Vs.

State of Maharashtra, through Police Station Officer, Police Station  
Ramnagar, District Chandrapur

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

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Mr. A. M. Chandekar, Counsel for the applicant.  
Ms. M. A. Barabde, APP for non-applicant/State.

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 01/07/2025**

1. The applicant came to be arrested on 18.08.2024 in connection with Crime No.798/2024 registered with Police Station Ramnagar, District Chandrapur for the offence punishable under Sections 103(1), 109(1), 189(2), 189(4), 190, 191(2), 191(3) and 61 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3/25, 4/25 of the Arms Act and under Section 135 of the Maharashtra Police Act.

2. The crime is registered on the basis of the report lodged by Shivaji Vasanta Gonewar on an allegation that at about 3.00 p.m. when he was in his house, one Haji Sheikh called him on his mobile phone and informed that one Samir Sheikh has hatched a criminal conspiracy to commit his murder. Haji Sheikh therefore wanted to enquire regarding

this matter by going to Chandrapur and therefore, requested the informant to accompany him. The informant along with one Shrikant @ Chitti and Haji proceeded towards Chandrapur in the vehicle belonging to Haji. Haji informed to two persons namely Nikhil Kuntalwar and Navin Totawar to remain present at Janta College Chowk. At about 3.50 p.m., the informant along with Haji and others reached the spot at Janta College Square. Thereafter, they went to Shahi Darbar Hotel at Chandrapur. Haji and Shrikant went inside the hotel to take meals whereas the informant along with Rakesh was standing near stairs of hotel. At about 4.15 pm., one white coloured vehicle arrived at the spot, from which seven persons namely Samir Sheikh, Rajesh Mulakwar, Prashant Malvenni, Nilesh Thage, Shrikant Kadam, Kishor Chanore, Surendra Yadav got down from the said vehicle. The co-accused Samir Sheikh, Prashant @ Pashhi and Rajesh were having guns in their hands and other accused persons were having knives with them. Thereafter they started firing towards the informant due to which, he ran away towards the Pan Shop however, at that time two bullets hit the left leg of the informant and he sustained severe bleeding injuries. Thereafter, some persons out of the accused started shouting and went inside the Shahi Darbar Hotel. The informant heard the noise of firing and saw that all accused fled away from the spot by their vehicle. When the informant went near the

hotel, he saw that one Shabab Bhau and Imran were taking the injured Haji out of the hotel. The informant and Haji were grievously injured, they were taken to the Government hospital and during the treatment, Haji succumbed to death and declared dead by the Medical Officer at the hospital. On the basis of the said report, police have registered the crime against the present applicant and the other co-accused.

3. Heard learned Counsel for the applicant, who submitted that the applicant was subsequently arrested. He was not present at the spot. Nobody has witnessed him along with the other members who have formed the unlawful assembly. Except the CDR reports and statement of one witness, who is fruit seller Mohammad Irshad Shafi Mohammad Rayin which is recorded after gap of one and half months of the incident and the statement of the wife of the deceased, who stated that present applicant used to visit at the house of other co-accused Samir, no other material is collected to show his involvement in the conspiracy. Now the investigation is already completed, charge-sheet is already filed and further incarceration of the present applicant is not required.

4. Learned APP strongly opposed the said application and submitted that during the investigation, it revealed that present applicant was in constant contact with other co-accused Samir, who was using mobile phone bearing No.9503121912 in

the name of the present applicant and another number 9156990780 which was in the name of Shrikant Kadam. Thus, he submitted that there were telephonic calls between the present applicant and the other co-accused on 11.08.2024 as well as on 12.08.2024 i.e. on the date of incident, which is sufficient to show his involvement in the criminal conspiracy, in view of that, the application deserves to be rejected, considering the nature of the incident, which is in the nature of dispute between the two groups and the informant and the deceased were attacked by the another group.

5. On hearing both sides and on perusal of the investigation papers, it reveals that due to the disputes between the two groups, deceased as well as co-accused were holding weapons like pistols along with them and in the firing on each other, the death of the deceased is caused as well as the informant has sustained the injuries. Admittedly, the applicant was not seen at the spot of incident, at the time of incident. The names of persons, who were present at the time of incident when narrated by the informant. Thus, the presence of the present applicant is not stated by the informant as he was not named in the FIR also. The entire prosecution case rested upon the statement of Mohammad Irshad Shafi Mohammad Rayin which is recorded after gap of one and half months dated 22.09.2024 and the statement of the wife of the deceased. Admittedly,

no direct evidence would be available as far as the conspiracy is concerned, as conspiracy always hatched in a secrecy, but there has to be some evidence to show the connection between the present applicant to show that he is involved in the conspiracy. Considering the nature of the investigation, at this stage, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass following order.

**ORDER**

- (i) The application is allowed.
- (ii) The applicant **Sayyed Abrar Ahmad s/o Intesar Ahmad** shall be released on bail, in connection with Crime No.798/2024 registered with Police Station Ramnagar, District Chandrapur for the offence punishable under Sections 103(1), 109(1), 189(2), 189(4), 190, 191(2), 191(3) and 61 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3/25, 4/25 of the Arms Act and under Section 135 of the Maharashtra Police Act, on executing PR bond in the sum of Rs.50,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend the concerned Police Station twice in a month on 1<sup>st</sup> and 15<sup>th</sup> of every month and the Investigating Officer shall record his presence.
- (iv) The applicant shall not enter into the vicinity of Ward No.3 Nakoda, District Chandrapur, till the culmination of trial.

(v) The applicant shall not induce, threat of promise any witnesses who are acquainted with the facts of the case.

(vi) The applicant shall furnish his detailed address along with the address proof with the names of two relatives along with their address proof.

(vii) The applicant shall attend the proceeding before the trial Court without seeking any exemption unless there are exceptional circumstances.

(viii) The applicant shall not indulge himself in similar type of the activities. A single registration of the offence would lead to the cancellation of bail.

The application is disposed of.

**(URMILA JOSHI-PHALKE, J.)**