



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.411 OF 2025
(Sayyed Sabir Sayyed Suleman Vs State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. M.N. Ali, Advocate for the applicant.
Mr. C.A. Lokhande, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 25, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 09/12/2024 in connection with Crime No.491/2024 registered with Police Station Khandala, District Yavatmal for the offences punishable under Sections 310(4) of the Bharatiya Nyaya Sanhita, 2023.

2. Learned Counsel for the applicant submitted that the crime is registered against the present applicant as during patrolling, the applicant and other co-accused were found along with the weapon, and therefore, it is alleged that they were attempting to commit dacoity, the police team has apprehended the applicant and his five associates and seized the aforesaid articles. On the basis of the said report, police have registered the crime against the present applicant. He submitted that now time and again the Hon'ble Apex Court has considered this aspect and held that merely because some persons are found

along with some weapons is not sufficient to show that they were assembled for the purpose of committing dacoity and for making preparation to accomplish that object. He submitted that merely because the applicant is found along with the co-accused in possession of the weapon is not sufficient to infer his involvement. In view of that, the applicant be released on bail.

3. Learned APP strongly opposed the application and submitted that 28 offences are registered against the present applicant of similar nature. Considering that the applicant is habitual offender, his bail application deserves to be rejected.

4. I have heard learned Counsel for both the sides. On perusal of the investigation papers it reveals that the police have apprehended the present applicant and other co-accused along with the weapons, and therefore, it is alleged that they were preparing for committing dacoity. As observed by the Hon'ble Apex Court in the case of Chaturi Yadav and ors. Vs. State of Bihar [1979 STPL (LE-Crim) 170003 SC] that mere assembling of the persons along with the weapons is not sufficient to held that they were making preparations for committing the dacoity. There should be other evidence to support the charge under Section 399 and 402 of the IPC.

5. In view of the observation of the Hon'ble Apex Court, the applicant has made out a case for grant of bail.

Mere criminal antecedents are not sufficient to reject the application. Accordingly, I proceed to pass following order:

(i) The application is allowed.

(ii) The applicant – Sayyed Sabir Sayyed Suleman in connection with Crime No.491/2024 registered with Police Station Khandala, District Yavatmal for the offences punishable under Sections 310(4) of the Bharatiya Nyaya Sanhita, 2023, be released on bail on executing PR. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned police station twice in a month i.e. 1st and 15th day of every month, till culmination of the trial and the Police Officer shall record his presence before him.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

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

(vi) The applicant shall not indulge himself in similar type of the activities. A single reported crime would lead to the cancellation of bail.

6. The contravention of any of the condition would lead to the cancellation of bail.

7. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*