

MHTH270010522026



ORDER BELOW EXH.1 IN CRI. BAIL APPL. NO.541/2026
MISSAM ABAS HUSAINI SAYYAD VS. THE STATE

(Date : 03.08.2026)

The applicant Missam Abas Husaini Sayyad, apprehending his arrest in Crime No.321/2026 of Rabale Police Station, District Thane, for the offences punishable under sections 309(6) of The Bharatiya Nyaya Sanhita, 2023 (hereinafter 'BNS'), has prayed for protection from his arrest.

2. Facts of C.R. No.321/2026 -

On 16.04.2026 at about 9.00 p.m. near Bhagwati Building, when the informant and her friend were walking, two persons arrived there on motorcycle and snatched her golden mangalsutra and ran away. Therefore, she reported the incident to Rabale police station against unknown persons.

3. Submissions :-

a) It is contended in the application that the applicant has been falsely implicated merely because his father was arrested on suspicion, the F.I.R. is against unknown persons. It is further contended that the applicant is a respectable member of society who will suffer immense humiliation if arrested, he has no intention to evade the due process of law, undertakes to abide by all bail conditions and will face trial to vindicate his

innocence.

b) The learned A.P.P., relying on the reply filed by investigating officer (Exh.7), submits that the allegations in the F.I.R. itself are sufficient to demonstrate the commission of serious, non-bailable offences, the applicant's custodial interrogation is essential for recovery of stolen article and for an effective and complete investigation. It is further argued that there are 4 other cases registered against the applicant, he is an affluent individual wielding considerable influence, creating a strong possibility of witness tampering or interference with the ongoing investigation. Consequently, the learned A.P.P. has prayed for the rejection of the application.

4. Analysis, interpretation and case laws (if any) :-

a) It is a settled principle across a catena of decisions by the Hon'ble Apex Court that while deciding a bail application, the Court must refrain from undertaking a detailed, microscopic analysis of the evidence. The focus must remain on whether a *prima facie* case exists, considering the gravity and seriousness of the underlined offences.

b) The primary factors to be borne in mind while considering an application for bail under section 482 of BNSS include :

- i) The nature of accusation and severity of the potential punishment upon conviction;
- ii) The nature of the material relied upon by the prosecution;

- iii) A reasonable apprehension of tampering with witnesses or threatening the informant;
- iv) The danger of the accused absconding or fleeing from justice;
- v) The character, behaviour, means and standing of the accused;
- vi) The likelihood of the offence being repeated; and
- vii) The larger interest of the public or the State.

c) After browsing through the application, examining the contents of the F.I.R., reply (Exh.7) and hearing learned A.P.P., although the applicant was not named in the F.I.R., his father has been arrested by police and it is revealed during his interrogation that the applicant is also involved in the alleged offence. There are 4 other offences registered against the applicant pointing towards his criminal mindset. Moreover, it is highlighted that a proposal for addition of provisions of Maharashtra Control of Organized Crime Act, 1999 is submitted to superior police officer for sanction. In the instant matter the recovery of stolen article during interrogation assumes vital importance. The applicant has failed to substantiate *prima facie* that the charges are groundless or levelled in bad faith. Given the gravity of the accusations and the ongoing nature of the investigation *qua* the applicant, granting protection to him is unwarranted. Hence, the following order is passed.

ORDER

Bail application no.541/2026 is dismissed and disposed of.

Date : 03.08.2026

(C. V. Marathe)
Additional Sessions Judge, Belapur.

CERTIFICATE

I affirm that the contents of this PDF judgment /order are same word to word as per the original order.	
Name of the Stenographer	: M. P. Joshi, Steno Grade-1
Name of the Court	: District Judge-1 & Addl. Sessions Judge, Belapur.
Date of the Judgment/Order	: 03.08.2026
Judgment /Order signed by the P.O. on	: 03.08.2026
Judgment/Order uploaded on	: 03.08.2026

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