



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1813 OF 2025

Rajesh s/o Shrikrushna Sathe
Age : 26 years, Occu. Labour,
R/o : Bhatt Galli, Ambajogai,
Tal. Ambajogai, Dist. Beed.

...Applicant

Versus

The State of Maharashtra
Through the Police Inspector,
M.I.D.C. Waluj Police Station, Waluj,
Tal. & Dist. Aurangabad.

...Respondent

Advocate for the Applicant : Mr. K.N. Shermale a/w Mr. Sayyed Umair Pasha

APP for the Respondent/State : Mrs. D.S. Jape

CORAM : MEHROZ K. PATHAN, J.

DATE OF RESERVING THE ORDER : 20th NOVEMBER, 2025

DATE OF PRONOUNCING THE ORDER : 8th DECEMBER, 2025

ORDER :

1. The Applicant has filed the present application, thereby praying for release on regular bail in Crime No.473/2025 registered with the M.I.D.C. Waluj Police Station, Waluj, Aurangabad for the offences punishable under Sections 3, 25 of the Arms Act, under Section 135 of the Maharashtra Police Act and under Sections 310(2), 317(3) of the Bharatiya Nyaya Sanhita, 2023.

2. The First Information Report came to be filed by one Jagdish Toshniwal with M.I.D.C. Waluj Police Station in connection with the aforesaid offence wherein the informant alleged that his sister Rakhi Ladda and brother-in-law Santosh Ladda, who are native of Bajaj Nagar, running a company in the name of Disha Auto Component Pvt. Ltd., in M.I.D.C. Waluj. The brother in law of the informant Santosh Ladda along with his family went to Boston to attend a program on 07.05.2025. Therefore, one Sanjay Kaduba Zalke was entrusted with the care of the house and the keys. On 15.05.2025, at about 04:30 a.m., when the Informant Jagdish was sleeping, Santosh called and informed the informant that Sanjay Zalke has called Santosh and informed him that six unknown persons assaulted him, tied his hands and mouth, threatened him with a pistol, and that six unknown persons had robbed the house. Thus after receiving such information, Informant Jagdish alongwith his friend Mukul Gattani went to the house of Santosh at about 05:00 am. - 05:15 a.m. , at that time the care taker Sanjay had informed that unknown persons had robbed the house by committing dacoity. It was further informed that on 14.04.2025 at about 01:00 am. when he went to sleep, the key of the hall was with Zalke and the all rooms were locked, main hall was open for taking rest to Zalke. It was further informed that on 15.05.2025 at about 02:00 am. the thieves entered the house of brother-in-law Santosh and have shown pistol to Sanjay Zalke and warned him not to make noise. When he tried to resist one of the thief

assaulted him on neck and back. The thieves were masked with black cloth and were speaking in Hindi language, calling each other by the name Guddu and Salman. It is further alleged that two of the thieves tied the hands of Zalke and stood beside him and other 4 broke the door of bedroom and robbed the ornament of the Gold and Silver from the house and also the mobile of caretaker was taken by them. Thereafter they left the house. Zalke has informed the incident to Santosh Ladda. Informant called and enquired Santosh Ladda regarding the gold, silver and ornaments that were present in the house then santosh Ladda informned that there was 8 Kg. gold and gold biscuits approximately, 40 kg. of silver ornaments, coins, vessels, etc. Thereafter police came to the spot and investigated and inquired about the incident to Santosh Ladda. Hence the present crime was registered against the Applicants/accused and co-accused.

3. It is the submission of the learned Counsel Mr. Shermale for the Applicant that the Applicant/Rajesh has no criminal antecedents, and he has been falsely implicated in the present matter only because certain gold ornaments, cash, and a gold ring were received by him. It is his submission that the accused Suresh Gagane had sold the said articles to him, and therefore he can at the most be charged with receiving stolen property. The applicant, being a close friend of Amol Khotkar, one of the main accused who was killed in the encounter, has been falsely

implicated in the present crime. It is his further submission that there are no criminal antecedents of the present Applicant being involved in any offences earlier and as such the Applicant may be released on bail.

4. The copy of the orders relied upon by the Counsel for the Applicant Mr. Shermale, during the course of argument, thereby showing that some of the accused persons who are identically situated and are attributed the same role as that of the Applicant, were already released by this Court. He relies upon the order of this Court dated 24.07.2025 in the case of Babita Gangane and Bharat Kamble passed in BA No.1142/2025, wherein Babita is wife of the accused Suresh Gangane whereas Bharat Kamble is father-in-law of co-accused Suresh Gangane. Thus taking into consideration the fact that an amount of Rs.3,00,000/- was received from the custody of Babita Gangane (wife of Suresh Gangane) and the amount of Rs.5,00,000/- was received from the custody of Bharat Kamble (father-in-law of Suresh Gangane), this Court has allowed the regular bail applications and released them on bail, as they were not having any criminal antecedents and that they were arrested since 31.05.2025.

. The learned Counsel Mr. Shermale therefore submits that the Applicant Rajesh Sathe also stands on the same footing and may be released on bail on the ground of parity.

5. The next order cited by the learned Counsel Mr. Shermale is in the case of Ashish passed by this Court in BA No.1147/2025 dated 17.07.2025, wherein this Court has released another accused Ashish, who was found to be a Jeweler and to whom the another Jeweler Shaikh Shahrukh has sold the stolen gold articles. It is therefore submitted that the provisions of Section 317(3) of the BNS was therefore considered by this Court and after considering the same, the Applicant therein Ashish was also released. The learned Counsel therefore submits that Applicant Rajesh shall also be granted the same relief.

6. The next order cited by Mr. Shermale is in the case of Vaibhav Maid passed by this Court dated 11.08.2025 in BA No.1481/2025, wherein this Court was pleased to grant regular bail to another Jeweler Vaibhai Maid on the basis of regular bail order passed in the case of Ashish. It is submission of the learned Counsel that the provision of Section 317(3) was again considered and that the benefit was given to the said person who had received the two silver plates from one Mr. Patre and the Applicant therein Vaibhav who was arrested on 11.06.2025 was thus released on bail on the ground that there were no criminal antecedents even though the stolen silver ornaments were recovered at the instance of the Applicant therein.

7. The next order relied upon by Mr. Shermale is in the case of Shaikh Shahrukh passed by this Court in BA No.1244/2025

dated 31.07.2025. The said Shaikh Shahrukh had received the stolen articles from one another co-accused Abuzar and Sohail and the same was sold to the another Jeweler Ashish.

8. The last order cited by the learned Counsel Mr. Shermale is in the case of Shaikh Abuzar passed by this Court in BA No.1524/2025 dated 18.08.2025, wherein this Court was again pleased to grant the regular bail to accused Abuzar who had sold the gold ornaments to Shaikh Shahrukh and who had sold the same to Ashsih and both of whom were already released on bail by this Court.

9. Thus in the light of the above orders passed in BA Nos. 1142/2025; 1147/2025; 1181/2025; 1244/2025 and 1514/2025 by this Court, the Counsel for the Applicant submits that a case is made out by the Applicant for releasing him on the ground of parity.

10. As against this, the learned APP submits that one of the main accused Suresh @ Suryakant had given the stolen gold ornaments to the present Applicant for saving it with him and during the house search of the present Applicant, 2 gold sticks of 23.100 gram and another gold stick of 10.100 grams along with a gold ring weight 5.900 gram were recovered. The Applicant being one of the recipients of the stolen articles, is equally culpable in the present crime.

11. It is the further submission of the learned APP that the Applicant is seen alongwith the other co-accused Amol Khotkar who has died in the encounter and Rohini Khotkar in the footage dated 04.08.2025. Thus it could be seen that the Applicant was having the knowledge about the criminal activities of Amol Khotkar as well as Suryakant and thereafter the stolen property was handed over to the Applicant after committing dacoity. Thus the provision of Section 317(3) of the BNS is clearly attracted in his case. It is further submitted that the Applicant if released on bail, may flee away from the ends of justice and may not be available for trial. As against this, the learned APP submits that the Applicant is charged with dishonestly receiving stolen property, the possession of which he knew or had reason to believe had been transferred by the commission of dacoity, or that it belonged to a gang of dacoits including the main accused, Suryakant and Amol Khotkar, who had committed the dacoity on the date of the incident. It is submitted that the offence is punishable with imprisonment for life, and as such the applicant is not entitled to be released on bail.

12. I have considered the submissions advanced by the learned Counsel for the Applicant, it could be seen from the record that the Applicant's case stands on a different footing from the other Applicants referred to in the bail applications above, namely Babita Gangane, Bharat Kamble in BA No.1142/2025, Vaibhavi Maid in BA No.1481/2025, Shaikh Shahrukh in BA No.1244/2025

and Shaikh Abuzar in BA No.1514/2025. The role of the present Applicant is that of dishonestly receiving stolen property, knowing or having reason to believe that such property was transferred by the commission of dacoity, from a person whom he knows or has reason to believe to be a member of a gang of dacoits.

13. Thus, it will have to be seen whether the applicant has dishonestly received or retained stolen property, knowing or having reason to believe that it was transferred by the commission of dacoity, or whether he dishonestly received it from a person whom he knew or had reason to believe to be, or to have been, a member of a gang of dacoits. The CCTV footage collected by the Investigating Officer during the course of investigation, thus provides an important link to show that the Applicant was very much in contact with the main accused Amol Khotkar who has died in an encounter, wherein the Applicant is seen to be in the company of Amol Khotkar. Thus since the main accused Amol Khotkar was found in the company of Applicant as seen in the CCTV footage, a prima facie case can be said to have been made out that the applicant knew the stolen property belonged to the co-accused Amol Khotkar, who was accused of committing the dacoity. However the charge against the Applicant will necessarily have to be proved by leading evidence before the trial Court. However insofar the discretionary relief of granting bail is concerned, there is ample evidence collected by

the prosecution in the form of recovery from house search of the accused Rajesh Sathe (present Applicant), wherein two gold sticks weighing 23.100 grams, another gold stick weighing 10.100 gram, and a gold ring weighing 5.900 grams were recovered.

14. The CCTV footage of the Applicant's visit to the car seller's shop has been recorded. Photographs of the handing over of the keys of the said car to the Applicant Rajesh were also obtained. The prosecution has further collected the Call Detail Records (CDRs), which show that there were 9 to 10 calls between the Applicant and the main accused, Amol Khotkar (who was killed in an encounter), immediately around the date of the incident, thereby indicating the Applicant's connection with main accused Amol Khotkar. It is important to note that under Section 317(3) of the BNS, 2023, the maximum punishment prescribed is imprisonment for life, or rigorous imprisonment for a term which may extend to ten years, and the offender shall also be liable to fine. Thus the offence charged against the present Applicant is grievous in nature and is punishable with life imprisonment as a maximum punishment.

15. The contention of the learned Counsel for the Applicant that Applicant should be released on the principle of parity, as the co-accused have already been released in the five orders mentioned above, is not sustainable. As stated earlier the

perusal of the above orders passed by this Court in above mentioned five cases, would show that Babita was wife of one of the accused and Bharat was father-in-law of one of the accused from whom only cash was recovered. Whereas in the other cases, accused Ashish, Vaibhav, Shahrukh and Abuzar were all Jewelers who had purchased the said gold during the course of their business and were not having any criminal antecedents or connection either with the main accused or the other co-accused who were actually either participating in the commission of dacoity or were co-conspirators. The principle of parity may not be applicable in the case of the present Applicant, particularly when the prosecution has collected ample evidence to show that the Applicant had knowledge, or reason to believe, that the stolen property which he received and retained had been transferred by the commission of dacoity, or that the stolen property belonged to a gang of dacoits which included the main accused persons, namely Amol Khotkar, Suryakant, and others.

16. The prosecution has collected the following evidence against the applicant. The applicant received gold from one of the main accused, Suresh alias Suryakant Gangane, and is found to be part of the conspiracy hatched by all the accused persons. The recovery includes gold sticks weighing 23.1 grams, another gold stick weighing 10 grams, and one gold ring weighing 5.9 grams.

17. Looking to the nature and gravity of the offence, the role of the Applicant, the recoveries, CDRs, and CCTV footage, a prima facie case is made out against the Applicant under Section 317(3) of the Bharatiya Nyaya Sanhita, which is punishable with life imprisonment. There is every likelihood that he may tamper with the prosecution evidence, thereby causing prejudice to the trial. Hence, I do not find this is to be a fit case for releasing the Applicant on bail. The application therefore stands rejected.

18. The observations made herein are prima facie in nature and are made only with a purpose to decide the present application. The said observations may not influence the trial Court or anyother proceedings before any other Court.

MEHROZ K. PATHAN
JUDGE