



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

**BAIL APPLICATION NO. 1947 OF 2025**

Rohini Baburao Khotkar

Age : 35 years, Occu. Homemaker,  
R/o : Arch Angan, Row House No.01,  
Padegaon, Aurangabad.

**...Applicant**

**Versus**

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

**...Respondent**

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***Advocate for the Applicant : Mr. Prashant P. Giri***

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

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**CORAM : MEHROZ K. PATHAN, J.**

**DATE OF RESERVING THE ORDER : 20<sup>th</sup> NOVEMBER, 2025**

**DATE OF PRONOUNCING THE ORDER : 8<sup>th</sup> 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 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, thereby alleging that his sister Rakhi and brother-in-law Santosh, who are native of Bajajnagar, were running a company in the name of Disha Auto Component Pvt. Ltd., in M.I.D.C. Waluj. The Informant went to the United Kingdom 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, his brother-in-law Santosh called and informed him that Sanjay Zalke, the caretaker, had reported that some 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 took alongwith him with his friend Mukul Gattani and went to the house of Santosh at about 05:00 am., 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 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 him and warned not to make noise. When he tried to resist one of the thief assaulted him on neck and back. The other persons were masked with black cloth and were speaking in Hindi, calling

themselves by the name Guddu 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 ornaments of Gold and Silver from the house and also the mobile was taken by them. Thereafter they left the house. Zalke has informed the incident to Santosh Ladda. There was 8 Kg. gold approximately and Biscuits, 40 kg. of Silver ornaments and 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. Prashant Giri for the Applicant that the Applicant is the real sister of the main accused killed in encounter Amol Khotkar. The Applicant is charged with Section 317(4)(5) of the BNS. It is further submitted that the Applicant stands on the same footing as that of other co-accused released by this Court in the bail applications in the matters of 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 and others. It is further submitted that looking to the evidence collected by the prosecution, at the most a case under Section 317(4)(5) can be made out as against the present Applicant which is punishable either with 10 years or 3 years respectively. The Applicant can therefore be granted parity in

orders passed by this Court in the following case of accused persons who released on bail.

4. It is further submitted that on 15.05.2025 the incident has occurred. The brother of the Applicant namely main accused Amol Khotkar was killed in an encounter on 26.05.2025. The police has conducted house search of the Applicant where the main accused Amol Khotkar was also living alongwith the Applicant on 27.05.2025. However no incriminating articles were found. The Applicant came to be arrested on suspicion on 23.06.2025, and thereafter, when a search of the house was conducted on 24.06.2025, golden ornaments and cartridges were seized. Thus it could be seen that the first house search did not reveal any incriminating articles. However, during the second house search conducted after the arrest of the Applicant, golden articles and live cartridges suddenly appeared in the house, thereby creating doubt about the recovery made by the prosecution. It is his submission that the Applicant was deliberately dragged into the offence only because she was agitating about the suspicious killing of his brother in an encounter by the police authorities. As stated earlier the Applicant at the most can be charged with the offence of receiving stolen property which is punishable under Section 317(5) of the BNS with an imprisonment of maximum three years. The Applicant have no criminal antecedents and may therefore be released on bail.

. The learned Counsel Mr. Giri further submits that the Applicant is arrested on 23.06.2025 and the charge-sheet is already filed. The Applicant is having no criminal antecedents may therefore be released on bail as the Applicant is ready to abide by any terms and conditions that may be imposed by this Court.

5. As against this, the learned APP vehemently opposes the present application on the ground that the applicant is one of the co-conspirators and played an instrumental role in disposing of the booty looted in the dacoity. The CCTV footage shows the applicant carrying two bags containing golden ornaments looted during the dacoity, and the call detail records along with the transcribed panchanama also shows the applicant's involvement in the crime. The learned APP further submits that the learned Counsel for the Applicant is not right that the house search was conducted on 24.06.2025. The seizure panchanama of the car belonging to the main accused, Amol Khotkar, was conducted on 09.06.2025, wherein silver ornaments were recovered. The applicant is shown as one of the witnesses to the said seizure panchanama and is stated to have identified the stolen articles which were kept in the said car. Thus the Applicant, being the real sister of the main accused, Amol Khotkar, has a major role attributed to her, and there is ample evidence to bring home the guilt of the present Applicant in the said crime and therefore the Applicant may not be released on bail.

6. I have gone through the charge-sheet as well as the record made available by the learned APP. The record shows that the Applicant is the sister of the main accused Amol Khotkar who has died in the encounter with the police authorities on 26.05.2025. After committing the offence of dacoity, the main accused, Amol Khotkar, handed over the stolen articles to the present applicant for sale in the market. The stolen silver articles were recovered from her possession. The mobile phone of the present applicant was seized during the investigation. The applicant is seen in the CCTV footage carrying two bags, which were later seized by the police. Golden articles and 7 live cartridges were found during the house search of the present applicant. The Applicant and her brother main accused Amol Khotkar alongwith Suryakant are seen together in the Brezza Car in an attempt to dispose of the silver articles. The Applicant being the real sister of the main accused, Amol Khotkar, appears to have been well aware that the stolen articles were derived from the dacoity committed by her brother, and she was further found to be in continuous contact with the said main accused. The Applicant has immediately purchased a plot on 26.05.2025 after the commission of the offence for price of Rs.9,00,000/-. The power of attorney executed in favour of the Applicant by vendor/Arun Govindrao Bongane, was also seized by the prosecution. The statement of vendor/Arun Govindrao Bongane shows that the said plot was sold to the present Applicant on 26.05.2025 i.e. immediately after the commission of the

incident. The witnesses Hafiza alias Khushi and Manisha Lokhande have stated in their statements that the Applicant Rohini was aware of the dacoity committed by her brother Amol Khotkar with his friends. The statement of Manisha Lokhande wherein she stated that after commission of dacoity by Amol Khotkar, the Applicant had come to her house with two bags and Applicant requested her to keep those bags for some days. On 16.05.2025, Applicant Rohini and Manisha went to the house of Rani. The bags which were kept in the house of Manisha, were shifted to Rani's place. Witness Manisha further stated that two bags were taken back by Rohini with the assistance of main accused brother Amol Khotkar on 18.05.2025 from the home of her cousin sister Rani. The statement of Shahinshah Alias Sohel Abdul Karim Qureshi shows that on the instance of the applicant police has seized those bags from the car.

7. The statement of Vyankatesh shows that the main accused, Amol Khotkar is carrying a pistol. The police seized mobile of the present Applicant and with the help of technical expert, found some videos in the mobile in the form of reels sent to the present Applicant/Rohini by her brother Amol Khotkar, wherein Amol Khotkar is seen playing with pistol and making some filmy dialog. Therefore it seems that the Applicant/Rohini has knowledge about the said crime and played active role in the said crime. Thus it could be seen that there is ample evidence to bring the home guilt of the present Applicant not only under

Sections 317(4) and (5) but also under 317(3) of BNS, 2023, in the said crime and the offence which is punishable with life imprisonment.

8. I have gone through the compilation of orders produced by the Counsel for the Applicant, wherein the co-accused granted bail. Insofar as the principles of parity is concerned, the Applicant has a different role altogether to that of the aforesaid persons released on bail by this Court in the above mentioned five orders. One of the orders pertain to the wife and father-in-law of the accused from whom some cash was recovered. Whereas the other four bail orders show that the Applicants therein were jewelers who had received the stolen property during the course of their business without having any knowledge of the stolen property. The principles of parity thus may not apply in the case of the present Applicant. In view of the evidence collected by the prosecution against the present Applicant, I am not inclined to release the present Applicant on bail. The application therefore stands rejected.

9. 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 any other proceedings before any other Court.

**MEHROZ K. PATHAN**  
**JUDGE**