

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Bail Application No.4348 of 2024

Gaurav Chandrabhan Khalde

Age: 29 years, R/o: House No.111,

Tanuchandra Bungalow, Kadolkar

Colony, Talegaon-Dabhade,

Tal Malvan, Dist Pune,

Currently at: Latur Central Jail Prison

... Applicant

versus

1. The State of Maharashtra

Vide CR No.233 of 2023

Talegaon-Dabhade Police Station,

Pune

2. Sulochana Gangaram Aware

Age: 69, R/at: Swapana Nagri,

A/4, Flat No.101, Talegaon

Dhabade, Maval, Pune

... Respondents

Mr Ashok Mundargi, Senior Advocate, along with Mr Chethan Alai, Mr Akshay Patani, Ms Rama Somani, Mr Rishabh Chaurasia, Mr Pranit Pawar, and Mr Abhishek Lingayat i/by Chetan A Alai, for the applicant.

Mr Arfan Sait, APP, for respondent No.1/ State.

Mr Aabad Ponda, Senior Advocate, along with Mr Malhar Kadam, and Mr Ishan Paradkar i/by Samay Pawar, for respondent No.2.

Coram: R.N. Laddha, J.

Reserved on: 14 November 2025

Pronounced on: 17 November 2025

Order:

By this application, the applicant seeks bail in connection with CR No.233 of 2023, registered at Talegaon Dabhade Police Station, Pune, for offences punishable under Sections 302 and 120B of the Indian Penal Code, Sections 3(25), 4(25), 3(27) and 4(27) of the Arms Act, 1959, Sections 37(1) read with 135 of the Maharashtra Police Act, 1951, and Section 7 of the Criminal Law Amendment Act.

2. It is the case of the prosecution that on 12 May 2023, while one Kishor Aware was present near the Talegaon Dabhade Municipal Council, accused No.1, along with three unidentified persons, assaulted the deceased with firearms and sharp-edged weapons, causing fatal injuries. The applicant (accused No.6) is accused of participating in the conspiracy to commit the murder of the deceased.

3. Mr Ashok Mundargi, the learned Senior Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contended that the applicant has been falsely implicated in the crime. It is submitted that the informant, the deceased's mother, initially lodged the First Information Report

(FIR) against accused Nos.10, 11 and 12, and the applicant and his father (accused No.8) were not named therein. He contended that no action or charge sheet has been filed against the persons named in the FIR; instead, they are presented as witnesses by the prosecution.

4. The learned Senior Counsel further submitted that the alleged motive attributed to the applicant is an incident dated 4 April 2022, nearly a year prior to the present occurrence, wherein the deceased slapped the applicant's father. In response, the applicant's father had lodged a Non-Cognisable complaint against the deceased. Subsequently, the deceased also published certain disparaging remarks about the applicant's father (accused No.8) on Facebook. Considering these incidents and alleging revenge as the motive, the applicant has been roped in the present crime. Inviting the attention of this Court to the informant's averments in Criminal Writ Petition No.3860 of 2023 filed before the Division Bench of this Court, seeking transfer of investigation on the ground of inaction and the informant's complaint dated 6 July 2023 to the Commissioner of Police, the learned Senior Counsel contended that the informant acknowledged that the slapping incident was an insignificant event to constitute a motive for the murder of the deceased.

5. The learned Senior Counsel contended that the prosecution seeks to connect the recovery of one live bullet to the applicant's involvement in the crime. The bullet recovered from the applicant's residence was never fired, and thus, the forensic/ ballistic report does not corroborate the prosecution's claim. The disclosure/ memorandum panchanama dated 15 May 2023 is inadmissible in law and cannot be relied upon. Highlighting that the applicant's father had a licensed pistol, it is argued that this pistol was lost and a report was filed on 7 January 2023, well before the incident dated 12 May 2023. In the investigation of this complaint, the police authorities found the complaint to be genuine. Placing reliance on an email communication dated 23 March 2025 from the prosecution authorities, the learned Senior Counsel submitted that bullets of 7.65 mm calibre, manufactured at the Ammunition Factory, Khadki, are freely available in the open market for use by lawful firearm licensees.

6. With reference to the allegation that the applicant was in constant communication with accused No.1 for hatching a conspiracy, the learned Senior Counsel submitted that accused Nos.1 to 5 are from the local community and part of the same political organisation as the applicant. The Call Detail Records (CDR) relied upon by the prosecution, at best, demonstrate

casual and general discussions rather than any overt act or conspiracy. Similarly, the CCTV footage relied upon merely indicates that accused Nos.1 to 5 were known to the applicant and had visited his house on a few occasions. The footage, depicting brief social interactions of two to five minutes on three occasions with accused No.8, the applicant's father, cannot, by any stretch of imagination, be construed as devising a conspiracy. The learned Senior Counsel also submitted that in the CCTV although accused Nos.1 to 5 were seen with accused No.8, the father of the applicant, the applicant was not seen therein. The statement of Umesh Dashrath Sharma, recorded on 17 May 2023, also indicates that on the date of the incident, Umesh had called accused No.1 for some medicine, and when the latter visited the applicant's residence, the applicant was asleep, and no interaction occurred between them. The statement of Moshin Mulani categorically states that one Sanjay Karle spoke about murdering the deceased and accused Nos.1, Pintu Salvi, and Tejas Salvi met at a hotel where the conspiracy was hatched, and a discussion took place about procuring the weapons. It is contended that these statements do not implicate the applicant in any capacity or attribute any criminal intent or participation to him.

7. The learned Senior Counsel further submitted that the

applicant's father, arraigned as accused No.8, whose alleged role is identical to that of the applicant, has already been released on bail. His order of bail, following a challenge, has now attained finality. On the principle of parity, it is submitted that the applicant is equally entitled to a similar relief. Emphasising that the applicant has been languishing in jail since 13 May 2023 and that, at the time of his arrest, he was not named in the FIR nor implicated by the informant, Mr Mundargi submitted that there is, therefore, a total absence of any substantive material connecting the applicant with the offence. He also submitted that the applicant has deep roots in society, is not a flight risk, and is willing to comply with any condition that this Court may deem appropriate, including staying outside the jurisdiction of Talegaon Dabhade Police Station.

8. On the other hand, Mr Arfan Sait, the learned Additional Public Prosecutor representing respondent No.1/ State, strongly opposed the applicant's request for bail. He submitted that the offence concerns a brutal murder committed on 12 May 2023, and although the applicant's involvement was not mentioned in the FIR, it emerged during the investigation. The motive underlying the conspiracy, it is argued, arose out of a prior altercation on 4 March 2022, wherein the deceased slapped

accused No.8. This incident created animosity, which led to the subsequent criminal conspiracy.

9. It is submitted that the applicant and the co-accused were in constant contact with each other prior to the incident. The CCTV footage shows accused Nos.1, 4, and 5 visiting the applicant's residence on several occasions. Additional footage from a locality referred to as food lane shows that the applicant is extending certain assistance or treatment to these accused. The CDRs also demonstrate that the applicant maintained continuous and frequent telephonic contact with the co-accused through his own mobile device as well as through that of his domestic servant. Furthermore, the witness statements also demonstrate that the applicant harboured a clear motive to eliminate the deceased.

10. The learned APP further contended that the applicant provided five live cartridges to accused No.1, and that one live cartridge was subsequently recovered from his residence under a duly drawn Memorandum Panchanama dated 15 May 2023. It is further submitted that while the charge sheet shows insufficient material against accused Nos.10 to 12, there is circumstantial and electronic evidence against the applicant demonstrating his involvement in the crime. Having regard to the seriousness of the offence, the gravity of the allegations,

and the stage of trial which has already commenced, the learned APP urges that the application for bail be rejected.

11. Mr Aabad Ponda, the learned Senior Counsel appearing for Respondent No.2/Informant, opposing the applicant's plea for bail, asserted that there is a direct and proximate nexus between the applicant and the assailants involved in the brutal murder of the deceased, Kishor Aware. Inviting the attention of this Court to the order dated 2 May 2024 passed by the learned Sessions Court, rejecting the applicant's bail application, it is submitted that the findings in paragraphs 12, 13 and 14 attribute a specific role to the applicant, demonstrating his involvement in the conspiracy that led to the murder of the deceased on 12 May 2023. It is argued that the conspiracy, orchestrated by a group of armed assailants, was driven by political rivalry, with the deceased perceived as a political adversary of accused Nos.10, 11, and 12. Prior to the incident, the deceased had expressed concerns regarding threats to his life from these individuals to the informant. On the day of the murder, the deceased was at the Talegaon Dabhade Municipal Corporation when he was brutally attacked and killed in broad daylight.

12. The learned Senior Counsel further submitted that the applicant's involvement in the conspiracy is apparent from the

CDRs and CCTV footage, which show that the applicant was in constant touch with the assailants prior to and on the day of the incident. Additionally, it is argued that the co-accused's regular visits to the applicant's residence between 9 March 2023 and 12 May 2023 demonstrate a tangible link to the applicant's involvement in the conspiracy. Placing reliance on the statements of witnesses Umesh Sharma and Milind Achyut, the learned Senior Counsel submitted that these witnesses describe the involvement of the assailants and the applicant, identifying them as the key perpetrators of the crime. Furthermore, the applicant's disclosure on 15 May 2023 led to the recovery of a live cartridge, providing further corroboration of his involvement in the conspiracy.

13. Mr Ponda further emphasised that the offence is of a grave and serious nature, having been committed in a public place and with brutality. The applicant, being a person of influence with significant political affiliations, is a key conspirator. Although the primary accused have been arrested, several individuals named in the FIR have not been apprehended, and the investigation into their involvement remains ongoing, with a writ petition pending before this Court for further directions. The brazenness of the act, committed in the premises of the Talegaon Dabhade Municipal Corporation

in broad daylight, has instilled profound fear and insecurity among the local populace. Given the seriousness of the offence and its societal impact, the learned Senior Counsel urged that the applicant's plea for bail be rejected.

14. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the material placed on record, including the affidavit-in-reply on behalf of respondent No.1 and the written notes of arguments tendered by the applicant and respondent No.2.

15. Upon a perusal of the records, it appears that the applicant was neither named nor implicated in the FIR. The gravamen of the prosecution's case against the applicant hinges upon an allegation of conspiracy, purportedly arising from his association with the co-accused and a past incident dated 4 April 2022 involving accused No.8. The FIR attributes the motive and conspiracy primarily to accused Nos.10, 11 and 12, all of whom were initially treated as accused but subsequently identified as witnesses. The prosecution relies on an incident of 4 April 2022, nearly one year prior to the alleged offence, where the deceased had slapped accused No.8 (the applicant's father). In response, accused No.8 lodged an NC complaint. Significantly, the informant/ respondent No.2 herein herself, in her complaint dated 6 July 2023, admitted that this event was

“insignificant” and incapable of constituting a motive for the commission of murder. The allegations against the applicant are founded entirely on circumstantial evidence, comprising CCTV footage, CDRs, and an alleged memorandum statement. The CCTV footage merely depicts that accused Nos.1 to 5 visited the applicant’s residence on a few occasions, and that too for brief durations. It is undisputed that the applicant and these accused persons are affiliated with a common political organisation. The CCTV footage reveals the presence of accused No.8 in the company of accused No.1, with no visual indication of the applicant’s meeting with accused No.1. Similarly, the CDRs relied upon by the prosecution merely establish telephonic communication between the applicant and certain co-accused. However, such communication, in the absence of any substantive or corroborative material, cannot be construed as evidence of a criminal conspiracy. It is a settled position in law that mere association or communication, devoid of any overt act or incriminating context does not ipso facto establish the existence of a conspiracy. As regards the recovery of a single live cartridge from the premises jointly occupied by the applicant and his father, who is a licensed pistol holder, the same is insufficient to compute the culpability of the applicant. The licensed pistol of the applicant’s father had been reported lost on 7 January 2023, well before the alleged incident.

Furthermore, an official communication dated 23 March 2025 confirms that 7.65 mm cartridges are lawfully available in the open market to licensed firearm holders.

16. The prosecution also places reliance on the statements of witnesses Umesh Sharma, Milind Achyut, and Mohsin Mulani. However, none of these statements attribute any specific role, participation, or presence of the applicant in the alleged conspiracy meetings or in the execution of the offence. At most, Umesh Sharma states that accused No.1 had visited the applicant's residence at a time when the applicant was asleep, thereby negating any interaction. The statement of Mohsin Mulani refers to a conspiracy allegedly hatched by other accused persons at a different location and makes no mention of the applicant. The statement of Milind Achyut, who is an eyewitness to the incident, does not place the applicant at the scene of the alleged crime nor does it suggest any involvement in the assault. It is also relevant to note that accused No.8, the applicant's father, who was seen in the company of accused No.1 on the date of the incident and who had a prior altercation with the deceased, has already been granted bail.

17. That apart, the applicant has been languishing in jail since 13 May 2023. Although the trial proceedings have formally commenced, it is pertinent to note that, as of the date, only one

witness has been examined. The prosecution has proposed to examine more than ninety witnesses in support of its case, and the conclusion of the trial is not foreseeable in the near future. The apprehensions expressed by the prosecution regarding the possibility of the applicant tampering with evidence or influencing witnesses can be addressed by imposing appropriate conditions. The applicant has undertaken to abide by any conditions that this Court may deem fit to impose, including residing outside the jurisdictional limits of Talegaon Dabhade Police Station. While the seriousness of the alleged offence is not in dispute, it is trite law that the gravity of the offence alone cannot be a ground for denial of bail in the absence of *prima facie* material establishing the applicant's culpability. The alleged motive and the material placed on record do not, at this stage, give rise to a grave suspicion warranting the continued incarceration of the applicant.

18. In view of the totality of the circumstances, including the applicant not being implicated in the FIR, the informant's 6 July 2023 complaint, the applicant's absence from the scene, no specific role in the assault, parity with co-accused, his willingness to follow conditions, and no disqualifying material, this Court finds it appropriate to grant bail. Hence, the following order:

ORDER

(i) The applicant shall be released on bail in CR No.233 of 2023, registered at Talegaon Dabhade Police Station, Pune, upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall not, either personally or through any other person, attempt to tamper with prosecution evidence or issue any threats, inducements, or promises to prosecution witnesses.

(iii) The applicant shall not enter the territorial jurisdiction of the Talegaon Dabhade Police Station, Pune, until the conclusion of the trial, save and except to attend the trial proceedings.

(iv) The applicant shall furnish his residential and contact details to the Inspector of the concerned Police Station and shall notify the said officer forthwith of any subsequent changes therein.

(v) The applicant shall regularly attend

the trial proceedings before the jurisdictional Court for the expeditious disposal of the case.

19. The application stands disposed of accordingly.

20. It is clarified that the observations made herein are *prima facie* only to determine the applicant's entitlement to bail.

(R.N. Laddha, J.)