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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.141 OF 2025

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Santosh Subhash Singh ... Applicant
V/s.
The State of Maharashtra ... Respondent

WITH
BAIL APPLICATION NO.4933 OF 2024

Ganesh Bhagwan Pawar ... Applicant
V/s.
The State of Maharashtra ... Respondent

Mr. Raju Suryawanshi for the applicant in both BAs.

Mr. Sagar R. Agarkar, APP for the State.

Mr. Kakad, API, Narpoli Police Station, Thane, is present.

CORAM : AMIT BORKAR, J.

DATED : JUNE 23, 2025

P.C.:

1. These are bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 by the applicants – *Santosh Subhash Singh* (Accused No.4) in Bail Application No.141 of 2025, and *Ganesh Bhagwan Pawar* (Accused No.5) in Bail Application No.4933 of 2024 – seeking their release in connection with Crime Register No.757 of 2022 registered with Narpoli Police Station, Thane. The offences are registered under Sections 302, 201, 120-B, and 34 of the Indian Penal Code, 1860, Sections 3, 25, and 27

of the Arms Act, and Sections 37(1) and 135 of the Maharashtra Police Act.

2. As per the prosecution case, the incident occurred on 7 December 2022 due to previous enmity between the deceased and the accused persons. It is alleged that accused Nos.1 and 2 had fired at the deceased. The role attributed to accused No.4 is that he received money from accused No.3 and arranged accused Nos.1 and 2 to execute the killing. Accused No.5 is alleged to have carried out reekie before the commission of offence.

3. Learned counsel for accused No.4 submitted that accused No.3, who is alleged to have financed the crime and played an equally important role, has been released on bail by this Court by order dated 19 December 2023 in Bail Application No.4015 of 2023. It is contended that the case of accused No.4 stands on identical footing and, therefore, he is entitled to bail on the ground of parity.

4. Learned counsel appearing for accused No.5 submitted that there is no direct material against him and no independent witness or CCTV footage to support the allegation of reekie. It is submitted that the allegations are vague and based on assumptions, and the applicant has no criminal antecedents.

5. Learned APP opposed the applications and submitted that the role of accused No.4 is distinct and he cannot claim parity. As regards accused No.5, it is submitted that his presence near the spot and prior contact with co-accused persons supports the theory of his involvement.

6. I have perused the record. In so far as accused No.4 is concerned, the role attributed to him is that of arranging the execution of the crime after receiving money from accused No.3. On perusal of the bail order dated 19 December 2023, it is seen that accused No.3 is already released on bail. There is no material to show any further distinguishing feature between the role of accused No.3 and accused No.4. In such circumstances, I am of the view that accused No.4 is entitled to be released on bail on the ground of parity.

7. As regards accused No.5, the material against him is circumstantial in nature. There is no eye-witness account or clear proof of his performing the alleged reddie. He is in custody since December 2022 and trial is yet to commence. The possibility of early conclusion of trial appears remote. Therefore, considering the nature of allegations, prolonged pre-trial detention would not be justified.

8. Hence, following order:

(i) Both the bail applications are allowed:

(ii) The applicants, Santosh Subhash Singh and Ganesh Bhagwan Pawar are directed to be released on regular bail in connection with Crime Register No.757 of 2022 registered with Narpoli Police Station, Thane for offences punishable under Sections 302, 201, 120-B and 23 of the Indian Penal Code, 1860 and Sections 3, 25, and 27 of the Indian Arms Act and Sections 37(1) and 135 of the Maharashtra Police Act, on their executing a personal bond in the sum of

₹25,000/- (Rupees Twenty-Five Thousand only) (each) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

- a) The applicants shall report to Narpolice Police Station, Thane on the first Monday of every month between 10:00 a.m. and 12:00 noon, until further orders.
- b) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to sidduade him from disclosing the facts to Court or any Police Officer. The applicants shall not temper with evidence. The applicants shall not contact, threaten or intimidate the complainant and the witnesses. If it is noticed that the applicants are indulging in any such activities the same shall be viewed seriously;
- c) On being released on bail, the applicants shall furnish their contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.
- d) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicants shall not enter Thane District after being released on bail, till further orders of the trial Court.
- f) The applicants shall attend the trial regularly. The applicants shall co-operate with the trial Court and shall not

seek unnecessary adjournments.

g) If any of the conditions are breached, it is always open for the prosecution and the informant to apply for cancellation of bail.

g) Considering the nature of the accusations, if the family members of the deceased and the witnesses apply for witness protection the same shall be considered on its own merits and in accordance with law.

h) The applicants shall surrender his passport to the trial Court. If the applicants does not have a passport, the applicants shall file an affidavit before the Trial Court to that effect.

9. Both the bail applications accordingly disposed of in the above terms. No costs.

(AMIT BORKAR, J.)