

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

Bail Application No.3360 of 2025

Santosh Pandurang Katkar

Aged: 48 years, Occ: Agriculturist

R/at: Near Maruti Mandir, at Paravadi

Post – Takave Budruk, Taluka Maval,

Pune, Maharashtra – 412106.

... Applicant/
Accused No.9

versus

1. The State of Maharashtra

(at the instance of Talegaon

Dabhade Police Station)

2. Sulochana Gangaram Aware

Swapana Nagri, A/4, Flat No.101,

Talegaon Dhabade,

Maval, Pune.

... Respondents

Ms Sonal Parab, along with Mr Jairaj Sawant, 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 prosecution's case that, on 12 May 2023, in the vicinity of the Talegaon Dabhade Municipal Council, the co-accused persons attacked the deceased using firearms and sharp-edged weapons, thereby causing his death. The applicant, arrayed as accused No.9, is alleged to have participated in the criminal conspiracy by providing financial assistance for the procurement of the firearm used in the commission of the offence.

3. Ms Sonal Parab, the learned Counsel appearing on behalf of the applicant, contended that the applicant is innocent and has been falsely implicated in the present case. It is submitted that the prosecution's allegation that the applicant played a pivotal role in procuring the firearm allegedly used in the commission of the offence is wholly unsubstantiated and bereft

of any material. The applicant has been arraigned as an accused solely on the basis of an allegation that a sum of Rs.15,000/- was transferred from the bank account of the applicant's wife to one Mithilesh Sahu, who is stated to be an acquaintance of co-accused Manish Yadav (accused No.7), and that the said amount was purportedly utilised for the procurement of the firearm in question.

4. To support this contention, the prosecution has relied upon a bank statement reflecting a transaction dated 30 October 2022, evidencing the transfer of Rs.15,000/- from the applicant's wife's account to the account of the said Mithilesh Sahu. However, it is pointed out that the prosecution has neither recorded the statement of Mithilesh Sahu nor that of the applicant's wife to corroborate the alleged purpose of the said transaction. The learned Counsel further submitted that the applicant, in the ordinary course of his business, had employed several persons, including one Sukhram Yadav, who had been in his service for approximately five years. It is further submitted that Manish Yadav, son of Sukhram Yadav and co-accused in the present case, was known to the applicant for the past few years.

5. It is further argued that the alleged transaction occurred

on 30 October 2022, whereas the offence in question was committed on 12 May 2023, thereby creating a significant temporal gap and a missing causal link, rendering it implausible to draw even a *prima facie* inference that the applicant financed the procurement of the firearm used in the alleged crime. There is no material on record to demonstrate that the said amount was specifically intended for the purchase of any weapon.

6. The learned Counsel drew the attention of this Court to the statement of one Mohsin Mulani, recorded on 1 June 2023, wherein he stated that one Sanjay Karale had conspired with accused No.11 to eliminate the deceased. According to the said witness, in June 2022, Sanjay Karale had contacted him to arrange a meeting for the purpose of executing the alleged conspiracy. It is submitted that there is no reference to the present applicant in the said statement. On the contrary, the witness has stated that Sanjay Karale had attempted to procure firearms from one Ashok Sawant, thereby contradicting the prosecution's theory regarding the applicant's involvement in the procurement of the weapon.

7. It is further submitted that Mithilesh Sahu, the alleged recipient of the Rs.15,000/- transfer, has neither been arraigned as an accused nor shown as a wanted accused in the charge

sheet. The statement of Daniel Prabhakar Sawant, another prosecution witness, also does not disclose any incriminating material against the applicant. Moreover, none of the co-accused have attributed any role to the applicant in the alleged conspiracy or commission of the offence.

8. The learned Counsel also pointed out that the firearm allegedly used in the offence was recovered from accused No.5 pursuant to a recovery panchanama dated 16 May 2023. As per the statement of a co-accused, the said weapon was handed over to accused No.5 by one Sham, who is possibly accused No.1. The learned Counsel highlighted that the statement of accused No.1 recorded under Section 27 of the Indian Evidence Act does not mention that the firearm was procured through Mithilesh Sahu or that the applicant facilitated the same by transferring Rs.15,000/-. The statement of Mithilesh Sahu, who is central to the prosecution's theory, has not been recorded at all.

9. Additionally, Ms Parab submitted that the statements of prosecution witnesses reveal that accused No.8 had lodged a missing complaint in respect of his licensed firearm with the local police station, thereby introducing further ambiguity regarding the origin of the weapon allegedly used in the

offence. In light of the aforementioned inconsistencies, contradictions, and the absence of any direct or circumstantial evidence linking the applicant to the procurement of the firearm or the commission of the offence, it is argued that no *prima facie* case is made out against the applicant. It is further emphasised that no recovery or discovery, either from the applicant or at his instance, has been effected. That apart, the applicant is stated to be suffering from medical ailments, including gastritis and ulcers, for which he has been repeatedly admitted to the Government Hospital at Latur during the period of his custody.

10. Ms Parab further submitted that the applicant has been languishing in jail since 31 July 2023. The investigation has been concluded and the charge sheet has already been filed before the competent Court. Nothing is to be recovered or discovered from the applicant. The applicant is willing to comply with any condition that this Court may deem fit to impose, including the condition of residing outside the territorial jurisdiction of Talegaon Dabhade Police Station.

11. On the other hand, Mr Arfan Sait, the learned Additional Public Prosecutor representing respondent No.1/ State, vehemently opposed the applicant's request for bail. It is

submitted that the applicant extended financial assistance to accused No.7 for the procurement of a firearm, which was subsequently used in the commission of the murder of the deceased, Kishor Aware. The learned APP further emphasised that the nature of the offence is grave and serious, involving elements of premeditation and a well orchestrated criminal conspiracy. He drew the attention of this Court to the applicant's criminal antecedents, asserting that the applicant has a history of criminal conduct, which aggravates the risk associated with his release on bail. It is apprehended that if enlarged on bail, the applicant may interfere with the prosecution's evidence. In view of the seriousness of the allegations, the applicant's active role in facilitating the procurement of the firearm, and the stage of the proceedings, the learned APP urged that the applicant is not entitled to the discretionary relief of bail and the present application deserves to be rejected.

12. Mr Aabad Ponda, the learned Senior Counsel appearing on behalf of respondent No.2/ the informant, opposing the applicant's request for bail, submitted that the applicant played an active role in the commission of the present offence. It is contended that the applicant rendered material assistance to the co-accused in the procurement of the weapon used in the

crime, a fact substantiated by the bank transaction records which reflect a financial transfer directly linked to the acquisition of the said weapon. Furthermore, the applicant's Call Detail Records (CDRs) reveal a pattern of frequent and sustained telephonic communication with the co-accused in the period immediately preceding the occurrence of the crime. The learned Senior Counsel further submitted that the financial facilitation extended by the applicant was instrumental in the procurement of the weapon, which was subsequently recovered from a co-accused during the course of investigation. These circumstances, it is argued, establish the proximate nexus between the applicant and the commission of the offence. The learned Senior Counsel also drew the attention of this Court to the applicant's criminal antecedents, which, according to him, are indicative of a habitual inclination towards unlawful conduct.

13. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the material placed on record, including the written notes of arguments.

14. Upon perusing the records, it appears that the prosecution has not recorded the statement of Mithilesh Sahu, the alleged recipient of the said amount, nor that of the applicant's wife,

from whose account the transfer was made. There is no material available on record to suggest that the said amount was intended for the procurement of any weapon, much less the firearm allegedly used in the offence. Furthermore, the transaction in question occurred more than six months prior to the incident, and no proximate or causal link has been established between the said transfer and the commission of the offence.

15. The statement of witness Mohsin Mulani, recorded on 1 June 2023, attributes the conspiracy to eliminate the deceased to one Sanjay Karale and accused No.11. Notably, there is no reference to the present applicant in the said statement. On the contrary, the witness has stated that Sanjay Karale attempted to procure a firearm from one Ashok Sawant. The recovery of the firearm allegedly used in the offence was effected from accused No.5. Accused No.1 does not implicate the applicant nor does he refer to the alleged transaction with Mithilesh Sahu. Furthermore, the said Mithilesh Sahu has neither been arraigned as an accused nor shown as a wanted accused. The statements of other prosecution witnesses, including Daniel Prabhakar Sawant, do not disclose any incriminating material against the applicant. The statements of the co-accused do not attribute any role to the applicant in the alleged conspiracy or

the commission of the offence.

16. That apart, the applicant has been languishing in jail since 31 July 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 territorial jurisdiction of Talegaon Dabhade Police Station. While the seriousness of the alleged offence is not in dispute, it is well settled that the gravity of the offence by itself cannot justify the denial of bail in the absence of *prima facie* material indicating the applicant's involvement. Admittedly, the motive to commit the offence is not attributed to the applicant. The material placed on record does not suggest the degree of grave suspicion required to warrant the applicant's continued incarceration.

17. In the totality of the circumstances, this Court finds it

appropriate to grant bail. Accordingly, the following order is passed:

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.

18. The application stands disposed of accordingly.

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

(R.N. Laddha, J.)