

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4417 OF 2025**

Virendra @ Gorya Bharat Kadam ...Applicant
Versus
State Of Maharashtra ...Respondent

Mr. Sachindra B. Shetye, *i/b Irfan A. Shaikh, for the Applicant.*
Ms. Anamika Malhotra, *APP for the State-Respondent.*
Mr. Tukaram Korde, *API attached to Nerul Police Station,*
present.

CORAM DR. NEELA GOKHALE, J.
DATED: 27th NOVEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No. 545 of 2024 dated 23rd August 2024 registered with the Nerul Police Station, Navi Mumbai, for the offences punishable under Sections 140(1), 109(1), 103(1), 61(2), 238, 3(5), 45, 54 of the Bharatiya Nyaya Sanhita ('BNS'), 2023; Sections 3, 5, 25 and 27 of the Arms Act, 1959 and Sections 37(1), 135 of the Maharashtra Police Act.

2. The case of the prosecution, as discerned from the FIR, is that:-

2.1 On 22nd August 2024, while the Complainant was at Pune, he received a call from his mother informing him that his elder brother, Aamir Khanzada had not returned home. On receiving such information, the Complainant started for Navi Mumbai from Pune. By employing the GPS system installed in his brother's car, the Complainant was able to track the location of his brother's car, which was found near Khopoli on the side of the Mumbai-Pune Expressway. When he reached the spot, he found that the Police were already there and it was revealed that his brother was found dead in the said car. He was informed by the Police that there was a missing person complaint in respect of his brother as well as his brother's friend namely, Sumit Jain. Accordingly, the FIR was registered.

3. The Applicant filed an application seeking bail before the Additional Sessions Judge, Belapur, however, by order

dated 10th July 2025, the same came to be rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. Mr. Sachindra Shetye, learned counsel appearing for the Applicant, submits that the only role attributed to the Applicant was that he was involved in the conspiracy since he was found present in the company of the co-accused in the Viviana Mall. It is the prosecution's case that the conspiracy was hatched in the said mall. Mr. Shetye, however, submitted that CCTV footage clearly shows that the Applicant, a mere driver of the co-accused, was sitting on a table different from the table where the co-accused were sitting. He submits that there is no material on record to indicate involvement of the Applicant in the said offence.

5. Ms. Anamika Malhotra, learned APP representing the State in the matter, fairly concedes that apart from the allegation that being a driver of the co-accused, the Applicant was also involved in hatching conspiracy to kill the deceased, there is no material on record to indicate his involvement.

She, therefore, leaves it to the Court to pass appropriate orders.

6. I have carefully considered the rival submissions and also perused the investigation papers placed on record.

7. The only allegation against the Applicant appears to be that he, being a driver of the co-accused, was present at the time, the conspiracy was hatched. However, CCTV footage clearly shows that the Applicant was sitting on different table than that which was occupied by the co-accused. Except this allegation, there is no material to show that the Applicant was in any way connected in planning the conspiracy to kill the deceased. Admittedly, there are no antecedents against the Applicant. The Applicant is in custody since 26th August 2024. The charge-sheet is filed and investigation is complete. It does not appear that the custodial interrogation of the Applicant is necessary in future. In these circumstances, I am inclined to enlarge the Applicant on bail and it is ordered as under:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Police Station concerned once in a month on the first Monday of every month between 11:00 a.m. and 02:00 p.m.;
- iii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iv) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the Police Station concerned, if any;
- v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and mobile number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

8. The Application is allowed in the above terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)

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signed by
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