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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2774 OF 2024**

Pradeep Moreshwar Kurulkar

... Applicant

Versus

State of Maharashtra

... Respondent

Mr. A.P.Mundargi, Senior Advocate a/w. Mr. Jayant Bardeskar and Mr. Rhushikesh Ganu, for the Applicant.

Ms. Mankuwar Deshmukh, P.P. a/w. Mr. Balraj Kulkarni, APP for the State.
Ms. Sucheta Khokale, Senior P.I., ATS Kalachowki Police Station, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 15th APRIL, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in Crime No.2 of 2023 registered with ATS Kalachowki Police Station, Mumbai for the offences punishable under Sections 3(1)(c), 4, 5(1)(a), 5(1)(c) and 5(1)(d) of the Official Secrets Act, 1923.

2. It is prosecution's case that the applicant was Director of Defense Research and Development Organization (DRDO). He provided classified and incriminating and confidential information of various military projects to one lady namely Zara Dasgupta who is a Pakistani spy. It is alleged that the applicant was in continuous contact with Zara

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Dasgupta through whatsapp chats, voice and video calls.

3. It is contention of learned Senior counsel for the applicant that the applicant has been falsely implicated in this case. All the data regarding the sensitive projects like Rustom, SAM, Indian Drone Project, Quadcopter, UCAV, Brahmos, Agni-6, Meteor, Rafale and export to Phillipines was available on public domain. Separate chart is produced on record to show that it was on public domain since several years before whatsapp chatting by the applicant with Zara Dasgupta, Pakistan Intelligence Operative (PIO). Investigation is completed. Chargesheet has been filed. The applicant is behind bar for around 2 years and 11 months. The applicant has no antecedents. It may take time to conclude the trial. Learned counsel further submitted that the applicant has never travelled outside India during the time period when offence was alleged to be committed. He further submitted that whatsapp chats with PIO, shows wherein the applicant was asked about the projects, he clearly denied sharing it. Learned Senior Counsel further submitted that the applicant has not committed offence under provisions of Official Secrets Act, 1923. He has retired from service, so he has no access to DRDO office. He is a resident of Pune and will not abscond. The applicant never intended to share any secret information with foreign entity and requested to allow the application.

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4. It is contention of learned APP that the applicant provided sensitive information to PIO. The statements of witnesses from DRDO have been recorded. In the said statements, they have stated that the applicant has provided various information which was not on public domain. The applicant had provided information to PIO causing threat to the nation. If the applicant is released on bail, he may tamper the evidence or may threaten or influence prosecution witnesses who are his subordinates and requested to reject the application.

5. I have heard both the learned counsel. Perused chargesheet and documents produced on record. Though the applicant is alleging that the information provided to the PIO is available on public domain but it appears that he was in continuous contact with the PIO for couple of months, through whatsapp chats, voice and video calls. It appears from the chats produced on record that he had intimate relation with the said PIO and he provided information of various military projects to her. From the statement of witness Sanjay Kumar, it appears that as per guidelines and circular issued by the DRDO, it is prohibited to carry smart phone in lab premises and it is prohibited to contact with foreign nationals. If any call is received from code number of Pakistan, it is directed to inform the superior. The same statement is given by other witnesses. From statements of these witnesses it appears that the applicant has violated

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provisions of Official Secrets Act, 1923 as he was in contact with PIO. Statement of witness Shailendra Gade shows that the applicant had provided secret information to PIO. The same statement is given by other witnesses. In my view, the applicant held an important post of DRDO. He knew various sensitive information of various military projects. While in service, the applicant, in breach of the trust reposed in him, knowingly provided sensitive information to a PIO. Now, he is retired from service. If he released on bail, he may provide information to a foreign country and may abscond, as he was in contact with a PIO. Some of the witnesses are his subordinate officers, he may influence them.

6. In view of above, I pass following order:

ORDER

- i. Application is rejected.

(SHIVKUMAR DIGE, J.)