

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3141 OF 2025**

Ankush Prakash Sitape ...Applicant
Versus
State Of Maharashtra ...Respondent

Mr. Raviraj Paramane *a/w Pranay Shirthare, for the Applicant.*
Ms. Megha S. Bajoria, *APP for the State-Respondent.*
API – Nilesh Chavan, *Nerul Police Station, Navi Mumbai, is present.*

CORAM : DR. NEELA GOKHALE, J.
DATED : 29th JANUARY 2026

PC:-

1. The Applicant seeks his release 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 and 54 of the Bharatiya Nyaya Sanhita, 2023 (for short, “BNS”), Sections 3, 5, 25 and 27 of the Arms Act, 1959 and Sections 37(1) and 135 of the Maharashtra Police Act, 1951.

2. The facts of the case, in brief, are that 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 the information, the Complainant started for Navi Mumbai from Pune. Since a GPS system was installed in his brother's car, the Complainant was able to track the location of the car, which was found near Khopoli, at the side of the Mumbai-Pune Expressway. When he reached the spot where the car was found, the police were already present there and it was revealed that his brother was found dead in the car. He was also informed by the police that there was a missing complaint in respect of his brother as well as his brother's friend, namely Sumit Jain. Accordingly, the FIR was registered, pursuant to which the present Applicant was arrested on 26th August 2024.

3. The Applicant made an application seeking bail before the Additional Sessions Judge, Belapur. However, the said

application was rejected by order dated 10th July 2025. Hence, the Applicant is before this Court seeking the relief as prayed.

4. Mr. Raviraj Paramane, learned counsel for the Applicant, submits that the only role attributed to the present Applicant is that the principal assailants i.e. the Accused Nos.5 and 6, namely Raja Mudliyar and Rehan Khan, came to the house of the present Applicant and spent one night in his house. It is also alleged by the prosecution that the said accused went downstairs of the Applicant's apartment and burnt their soiled clothes. There was blood on their clothes and they burnt the clothes near the house of the Applicant. The other allegation against the present Applicant is that he was part of the conspiracy to kill the Complainant's brother and that the conspiracy was hatched at Viviana Mall. He submits that at that point of time when the prosecution alleges the presence of the present Applicant at Viviana Mall, the material in the charge-sheet itself indicates that the Applicant was not seen in the CCTV footage of Viviana Mall, where the other Accused are seen sitting on the table. In these circumstances, he

submits that the Applicant, being incarcerated since August 2024, deserves to be enlarged on bail.

5. Ms. Megha Bajoria, learned APP, submits that although the CCTV footage does not show the presence of the present Applicant, it is the story of the prosecution that the Applicant was part of the conspiracy to kill the victim. She further submits that there are as many as four antecedents against the present Applicant; however, she concedes that the Applicant has been acquitted in all four cases. She however, resists the Bail Application.

6. I have heard learned counsel appearing for the respective parties and perused the record with their assistance.

7. Admittedly, the only role attributed to the present Applicant is that the principal assailants, namely Raja Mudliyar and Rehan Khan, came to his apartment and went downstairs and burnt the clothes which they were wearing at the time of assault. According to the prosecution, the said

clothes had blood on them and thus, the evidence was destroyed at the house of the present Applicant. Besides the aforesaid material, there is no other material on record to indicate the Applicant's complicity in the said offence. As pointed out by Mr. Paramane, even the Applicant is not seen to be with the principal assailants and the other accused at Viviana Mall while the alleged conspiracy was being hatched. The Applicant was arrested on 26th August 2024 and till date, even the charges are not framed. It is not likely that the trial will conclude in the near foreseeable future.

8. Considering the aforesaid and the fact that the Applicant is acquitted in all previous antecedents against him, 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, on first Monday of every month between 10:00 a.m. and 12:00 p.m., till the charges are framed. He shall also attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicant is exempted from appearance by orders of the Trial Court.
- iii) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;
- iv) The Applicant shall not leave India, without permission of the trial Court;
- v) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- vi) The Applicant shall inform his latest place of residence and mobile contact 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;

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

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

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

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

(Dr. Neela Gokhale, J)