

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4066 OF 2025**

Kamar Zafar Khan	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Gaurav Bhawnani *a/w Mayanka S. R. i/b Zeeshan Khan,
for the Applicant.*
Ms. Megha S. Bajoria, *APP for the State-Respondent.*
ASI – Bharat Arvendekar, *Crime Branch, Unit-1, Thane, is
present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 05th JANUARY 2026

PC:-

1. The Applicant seeks his release on bail in connection with FIR No. 497 of 2020 dated 24th November 2020 registered with the Rabodi Police Station, Mumbai for the offences punishable under Sections 302, 201, 120(b), 114, 212 and 34 of the Indian Penal Code, 1960 (**‘IPC’**), Sections 3, 25 and 27 of the Arms Act, 1959 and Sections 37(1) and 135

of the Maharashtra Police Act, 1951. The Applicant is arrested on 18th February 2024.

2. The case of the prosecution, in brief, is that on 23rd November 2023, at around 2:00 p.m., two persons on a motorcycle shot dead the uncle of the First Informant. The FIR was registered and the two persons were arrested after they were identified. After a passage of three to four years, Accused No.5 was also arrested. He gave a statement that the gun, which was the weapon of the crime, was supplied by the present Applicant. On his statement, the present Applicant was arrested.

3. The Applicant made an application seeking bail before the Additional Sessions Court, Thane. However, by order dated 22nd September 2025, the said application was rejected. Hence, the Applicant is before this Court seeking the relief as prayed.

4. Mr. Gaurav Bhawnani, learned Counsel for the Applicant, submits that the only allegation against the Applicant is the statement given by the co-accused that the weapon of the murder was provided by the Applicant. There is no other material on record to indicate his involvement in the offence. His alleged role is that he took a weapon from Accused No.7 and handed it to Accused No.5, who in turn used it in the commission of the offence. Mr. Bhawnani submits that neither the weapon has been seized from any of the accused, nor has it been recovered. He further submits that the Applicant is in custody for about one year and nine months; charges are not framed and the trial is unlikely to conclude in the near future. He thus prays that the Applicant be released on bail.

5. Ms. Megha Bajoria, learned APP, submits that the offence is serious, as a person has lost his life. On the basis of the statement of the Accused No.5, it is transpired that the weapon of crime was supplied by the present Applicant. She

submits that although charges are not framed, the maximum punishment for the offence is life imprisonment and as such, there is no long incarceration of the Applicant. She thus prays that the present Bail Application be rejected.

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

7. A plain reading of the FIR clearly indicates that the two persons who shot the uncle of the Complainant are the principal accused. They are arrested and are in custody. After a period of three to four years, the Accused No.5 has taken the name of the present Applicant as the person who provided the weapon to him, who in turn provided the same to the principal accused, who used it in the crime. Admittedly, the Applicant is in custody for more than one and half years and the trial has not yet commenced, nor is it likely to conclude in the near future. In these circumstances, considering the role attributed to the Applicant and the lack of sufficient material

on record at this stage, 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.

8. 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 Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

10. In view of the disposal of the Bail Application, nothing survives in the Interim Application and the same is accordingly disposed of.

(Dr. Neela Gokhale, J)