

MHCC020110482021



CITY CIVIL AND SESSIONS COURT OF GR. BOMBAY
IN THE COURT OF SPECIAL SESSIONS JUDGE, C.R. NO. 25.

ORDER BELOW DISCHARGE APPLICATION EXH. 465

IN

SPL. CASE NO. 1090 OF 2021

Santosh Atmaram Shelar

**...Applicant/
accused No.6.**

Versus

National Investigation Agency

...Respondent.

Appearances:-

Adv. Mr. Waqar Pathan for Applicant/accused No.6 Santosh Shelar.
SPP Mr. Sunil Gonsalves for the NIA.

**CORAM : HHJ SHRI. CHAKOR S. BAVISKAR,
(COURT ROOM NUMBER 25)**

DICTATED AND PRONOUNCED THE ORDER IN OPEN COURT
ON 25th FEBRUARY, 2026

In short, by moving this application, present applicant/accused Santosh Shelar (A/6) seeks his discharge from all the offences in this case pertaining to the NIA Crime Registration Number (C.R. No.) RC-01/2021/NIA/MUM registered against this and nine other accused on 03.09.2021 for the offences punishable under sections (p/u/s) 120-B, 201, 302, 364 and 403 of the Indian Penal Code, 1860 (the IPC), also for the offences p/u/s 25 of the Arms Act, 1959, and also for the

offences p/u/s 16, 18 and 20 of the Unlawful Activities (Prevention) Act, 1967 as amended in 2004 (the UAP Act).

2. In this discharge application applicant/accused Santosh Shelar (A/6) contends (from paragraph Nos. 2/1 to 2/6 of this order) as follows.

2/1. Applicant/accused Santosh Shelar (A/6) is arrested by the NIA in respect of these offences on 11.06.2021. He was remanded to judicial custody on 28.06.2021 and since then, he is behind the bars.

2/2. Throughout the voluminous charge-sheet filed by the Investigating Officer, there is no *prima facie* case postulated for any of the offences in any of the Acts, as alleged against this applicant/accused Santosh Shelar. After going through all the statements of various witnesses, it is apparent that, no *prima facie* case is made out, against him. This applicant/accused is not at all concerned with other related offences, those are, original FIR No. 35/2021 and subsequent FIR No. 47/2021, respectively related to planting of explosive laden car and theft of the Scorpio car, connected according to the prosecution with the present C.R. of the NIA.

2/3. No one of the witnesses has named this applicant/accused Santosh Shelar (A/6) in statement saying that, this applicant/accused was a part of any criminal conspiracy. Even no CCTV footage establishes physical movement of this applicant/accused anywhere. Merely meeting with some of the co-accused would not

constitute criminal conspiracy on the part of this applicant/accused. There is no corroborative material in the form of statements of witnesses or documents.

2/4. Throughout the charge-sheet, there is literally no material on record which could suggest exchange of phone calls in between this applicant/accused Santosh (A/6) with the victim or any other accused. From this applicant/accused there is no recovery of any material or article or any forensic proof to establish the case of the prosecution.

2/5. Case of the prosecution in the charge-sheet that, Mane (A/5) took long journey with victim Mansukh and handed him over to this applicant/accused Santosh (A/6) alongwith other accused in Tavera car, is baseless and false in nature. Neither any assailant, nor any other witness has mentioned that, the victim Mansukh was handed over to this applicant/accused or to any other accused. No CCTV footage of traveling as such is available.

2/6. The allegations against present applicant/accused Santosh (A/6) are based only on the so called confessional statement of accused Manish (A/9), which he has even retracted. No one of the offences alleged against this applicant/accused Santosh (A/6) comes within the ambit of any of the provisions of the UAPA. Cognizance of the offences ought not to have been taken. There are many flaws in applying the UAPA provisions and even in according Sanction for the prosecution.

Thus, on all the forgoing grounds and such, this applicant/accused Santosh (A/6) be discharged from all the offences in this case.

3. Strong contesting Say Exh. 465-A is filed on behalf of the respondent/NIA, wherein it is contented (from paragraph Nos. 3/1 to 3/6 of this order) as follows.

3/1. The respondent/NIA bases its reply on seven main aspects. Those are 1) Facts of the matter. 2) Role of present applicant/accused Santosh (A/6). 3) Evidence against him. 4) Documentary evidence. 5) Technical evidence. 6) Parawise reply and 7) Groundwise reply.

3/2. From all the facts revealed throughout the material collected during investigation of all the offences in this case, active participation of applicant/accused Santosh (A/6) in commission of the offences in this case, reveals. It is detailed in the main charge-sheet.

3/3. Present applicant/accused Santosh (A/6) has willingly and intentionally entered into a well organized criminal conspiracy for murder of Mansukh Hiren which was a direct outcome of the terrorist act committed by Sachin Waze (A/1) and others. This applicant/accused Santosh (A/6) entered into the criminal conspiracy at the behest of Pradeep Sharma (A/10) to commit the offence.

3/4. Present applicant/accused Santosh (A/6) convinced co-accused Anand Jadhav (A/7), Satish Mothkuri (A/8) and Manish Soni (A/9) and made them all a part of the conspiracy of killing of Mansukh Hiren for pecuniary benefit. It is this applicant/accused Santosh (A/6) who directed Anand Jadhav (A/7) to arrange a vehicle to carry victim Mansukh. This applicant/accused Santosh (A/6) directed Manish Soni (A/9) to procure two benami and duplicate SIM Cards for communication of the accused.

3/5. This applicant/accused Santosh (A/6) was in constant touch with his handler Pradeep Sharma (A/10) before and after commission of the murder of Mansukh. This applicant/accused Santosh (A/6) facilitated Anand (A/7), Satish (A/8) and Manish (A/9) to abscond after the murder of Mansukh Hiran, from Mumbai to Delhi and to Nepal and then to Dubai and such.

3/6. This applicant/accused Santosh (A/6) has attempted to destroy electronic/digital evidence, those are, SIM Cards and cell phone which the investigating agency has made out with efforts. Thus, there is voluminous evidence available on record from which active participation of present applicant/accused Santosh (A/6) in commission of the offence of murder and other connected offences reveals more than satisfactorily. Hence, this application be rejected.

4. Perused this Discharge Application Exh. 465. Perused Contesting Say Exh. 465-A. Perused the entire record. Heard the Ld. advocates appearing in this matter at utmost sufficient length who argued respectively for and against the discharge application and the Contesting Say, as above.

5. Following points arise for my consideration and I record my findings on them for the reasons to follow as under.

POINTS

1. Whether present applicant/ accused Santosh (A/6) deserves to be discharged, as prayed for ?

FINDINGS

... In the negative.

- 2 What order ?

...This discharge application Exh. 465 hereby stands rejected.

R E A S O N S

6. In the recent past i.e. on 13.02.2026 itself, this Court, presided over by myself only, has rejected Bail Application Exh. 418 of this same applicant/accused Santosh Shelar (A/6). This is important and relevant at considerable extent. Because seeking discharge from all the offences in the same case is something like seeking larger relief on higher pedestal as compare to seeking bail for the same offences in the same case by the same accused. All the facts are and the set of facts is one and the same. Hence, when this Court in this same case for reasons, just few days before, has held this same applicant/accused Santosh (A/6) to be not entitle for the comparatively smaller relief of bail, it is quite axiomatic that, he is not even entitle for discharge as well.

7. I am not oblivious to the legal trite that, parameters for bail and discharge are different. However, they are not all together different when it comes to special provisions of special enactment like UAPA. If this Court grants bail to any particular accused *qua* the offences under the special enactments like the UAPA, the TADA, the POTA, the NDPS, the MCOCA as such, certainly, case of that accused

becomes strong for discharge, as he satisfies the stringent twin conditions contemplated under those Acts. Those are, firstly, the prosecution could not make out *prima facie* case against the accused and secondly, the Court considers that, the accused might not have committed the alleged offences and he would not commit similar offences after his release on bail. For want of sufficient *prima facie* case, claim of the accused for discharge becomes strong and loud at some extent if bail is granted for the offences in such special enactments. However, situation is completely otherwise in this case.

8. Firstly, from the statements of the open witnesses and also from statements of the protected/truncated witnesses, role of present applicant/accused in the offences gets established. His involvement in the alleged offences is stated by the witnesses categorically and in details. The NIA in its contesting Say has described in detail involvement of present applicant/accused Santosh (A/6) in the offences. From the statements of all the witnesses, preparation of the offences, actual commission of the offence and destroying evidence of the offences, all gets satisfactorily established.

9. Then there is Confessional Statement of accused No. 9 Manish Soni (A/9), recorded under section 164 of the Code of Criminal Procedure, 1973, (the Cr.P.C.). In his Confessional Statement, this accused Manish (A/9) has given detail account of the entire episode of taking of the victim Mansukh Hiren and requiring him to sit in one Tavera Car, just adjoining to present applicant/accused Santosh (A/6).

10. Manish (A/9) in his statement under section 164 of the Cr.P.C. has further stated that, then Santosh (A/6) even assisted the other accused Satish (A/8) to smother the victim Mansukh to death and to dump his body into the creek from the top of the bridge, considering him to be dead that time. After throwing the body of Mansukh into the creek, the accused in that Tavera Car, including present applicant/accused Santosh (A/6), had their dinner at *Kathiawadi Dhaba* on Western Express Highway and present applicant/accused Santosh (A/6) paid the expenses for the dinner.

11. Not only so, then present applicant/accused Santosh (A/6) himself alongwith other co-accused fled away to Nepal *via* Delhi. They reached Delhi on 10.03.2021, then Lucknow on 12.03.2021 and from there on 13.03.2021, went from Nepalganj to Pashupatinath Temple, Kathmandu and remained there. Then the accused kept on moving from one place to another. Manish (A/9) has further stated that, all the trips of all these absconding accused were sponsored by none other than present applicant/accused Santosh (A/6).

12. From the 164 statement of Manish (A/9) it further reveals that, this applicant/accused Santosh (A/6) had purchased duplicate SIM Cards there and required co-accused to break/destroy their earlier SIM Cards, so that their whereabouts can not be traced. Then, present applicant/accused Santosh (A/6) directed accused Manish (A/9) to visit Dubai and for that, arranged flight tickets and also gave Rs. One lac to Manish (A/9) for accommodation and other expenses at Dubai. There Manish (A/9) stayed for fifteen days. After his arrival from Dubai to Mumbai, again

present applicant/accused Santosh met accused Manish and arranged his stay in one hotel.

13. Statement recorded under section 164 of the Cr. P.C. of one of the co-accused Manish (A/9) does have evidentiary value. At least at this stage, its *prima facie* evidentiary value cannot be wiped out. Because to corroborate the same, there exists other evidence as well.

14. Disclosure Statement and panchanama dated 15.06.2021 of present applicant/ accused Santosh (A/6) establishes the trail of events in connection with victim Mansukh. Disclosure statement dated 15.06.2021 of accused Aanand (A/7) establishes connection of present applicant/accused Santosh with the incident of murder of Mansukh. Disclosure statement dated 18.06.2021 of another accused Satish (A/8) also establishes trail of events and connection of present applicant/accused Santosh (A/6) with murder of Mansukh.

15. Statements of more than one witnesses are there to establish that, present applicant/accused Santosh had arranged tickets through his daughter to facilitate fleeing away of himself and other co-accused from Mumbai to Delhi, Lucknow, Ahmedabad, Nepal, Dubai and all other places. Huge technical evidence in respect of CDRs, SDRs and TPDR in between the accused *inter se, prima facie* establish that, applicant/accused Santosh (A/6) was very much there all around. To establish trail of events and connection of the accused *inter se*, there is literally huge evidence available on record.

16. Apart from the statements of protected and open witnesses, even there is discloser statement of this present applicant/accused Santosh (A/6) himself on record. May Manish (A/9), according to this applicant/accused Santosh (A/6), has retracted his confessional statement, however, such retraction and its legal consequences are to be decided at appropriate stage and not at this initial stage. At this stage, it makes strong *prima facie* case against this applicant/accused, wherein accused Manish (A/9) in his statement has categorically described all the facts on the fateful day of 04.03.2021, his constant contact with present applicant/accused Santosh (A/6), handing over victim Mansukh by Mane (A/5) to these accused Nos. 6 to 9, how accused Manish (A/9) was driving the Tavera vehicle in which Mansukh was being carried and as such. Manish (A/9) has further stated that, it was Santosh (A/6) and Anand Jadhav (A/7) who were around the victim Mansukh on the middle seat of Tavera car and Satish (A/8) on the last seat just behind the victim Mansukh who smothered Mansukh and that time, none other than present applicant/accused Santosh (A/6) and his associate Aanand (A/7) had caught hold tightly Mansukh by holding his arms.

17. Not only so, Manish (A/9) in his confessional statement has further stated that, considering the victim Mansukh to be dead, then all these accused Nos. 6 to 9 dumped body of Mansukh in the creek over the bridge at Thane. Then Manish (A/9) has given detail account how present applicant/accused Santosh (A/6) has facilitated to abscond the accused from Mumbai to Delhi then to Lucknow then to Kathmandu, then back to Mumbai, then again to Dubai. It is this applicant/accused Santosh (A/6) who borne all the expenditure of traveling and stay. To

corroborate confessional statement of Manish (A/9), voluminous evidence is there on record collected and produced by the investigating agency and placed alongwith the charge-sheet. Apart from the Disclosure Statements, there is documentary evidence in the form of Hotel Guests Register, KYC documents produced from the Hotel from Delhi, Lucknow and Kathmandu soon after commission of murder of Mansukh till long way for near about 3-4 months.

18. Even evidence is on record that, it was the daughter of present applicant/accused Santosh (A/6) who booked all the tickets from Mumbai to Dubai on the directions of Pradeep Sharma (A/10). Seizure Memorandum dated 30.06.2021 of Railway and other tickets from Mumbai to Delhi, Delhi to Lucknow, Lucknow to Delhi, Delhi to Ahmedabad and back to Mumbai is there.

19. Huge technical, electronic and digital evidence in the form of CDRs and SDRs is also available on record to establish link and trail of the accused *inter se*, particularly of present applicant/accused Santosh (A/6) with Pradeep Sharma (A/10) and others.

20. One Rohan Fernandes, body guard of Pradeep Sharma (A/10) had talked constantly with present applicant/accused Santosh (A/6) soon before the fateful night of murder of Mansukh. This is most clinching piece of evidence according to the prosecution.

21. Then on the very day of murder of Mansukh Hiren i.e. on 04.03.2021, Pradeep Sharma (A/10) was in constant contact with present applicant/accused Santosh (A/6) on their respective phone numbers 9619058549 and 9619053688. On these two cell phone

numbers, Pradeep Sharma (A/10) and present applicant/accused Santosh (A/6) were in constant touch on the date of murder of Mansukh particularly after the noon, from 15.53 hrs, 17.44 hrs, 17.49 hrs, 17.51 hrs, 19.43 hrs, 21.25 hrs, 21.27 hrs, 22.47 hrs.

22. It is pertinent to note that, technical evidence is on record that, on the date of commission of murder of Mansukh Hiren, soon after throwing the body of Mansukh Hiren into the creek, this applicant/accused Santosh (A/6) at about 22.47 hrs, from mobile SIM No. 9619053688 informed Pradeep Sharma (A/10) on mobile SIM No. 9619058549 that, 'work is done', i.e. murder of victim Mansukh is executed as planned, his body was also disposed off in the Thane creek.

23. Thus, from all this and such evidence, role of present applicant/accused Santosh (A/6) in commission of murder of Mansukh reveals more than *prima facie*. His agreement and knowledge with active participation in criminal conspiracy also reveals. His involvement in facilitating the accused to abscond also reveals. If all the facts are considered in totality and clubbed alongwith the material available on record, more than *prima facie* material is available so as to connect applicant/accused Santosh (A/6) with commission of present offences.

24. Hence, I record my finding on Point No. 1 accordingly in the negative and for Point No. 2, I proceed to pass following order.

ORDER

Discharge application Exhibit-465 hereby stands rejected.



Date : 25.02.2026.

(CHAKOR SHRIKRISHNA BAVISKAR)

Special Judge
for the cases under the NIA
City Civil and Sessions Court,
Court Room No. 25
Gr. Mumbai.

Dictated on : 25.02.2026
Transcribed and
1st draft given on : 26.02.2026
2nd draft given on : 02.03.2026
Signed on : 04.03.3036

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”		
UPLOAD DATE	TIME	NAME OF STENOGRAPHER
04.03.2026	5.35 p.m.	Aparna V. Lele (Grade I)
Name of the Judge		HHJ SHRI CHAKOR S. BAVISKAR (CR No.25)
Date of Pronouncement of Judgment/Order.		25.02.206.
Judgment/order signed by P.O on		04.03.2026.
Judgment/order uploaded on		04.03.2026.