

MHCC020110482021



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

ORDER BELOW BAIL APPLICATION EXH. 601

IN

SPL. CASE NO. 1090 OF 2021

Sachin Hindurao Waze

**...Applicant/
accused No.1.**

Versus

National Investigation Agency

...Respondent.

Appearances:-

Adv. Shri. Sajal Yadav, Adv. Ms. Arti Kalekar for Applicant/accused No.1.
SPP Mr. Sunil Gonsalves for the NIA/Prosecution/Respondent.

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

Dictated and pronounced the order in open court
on 29th September, 2026.

By moving this application, present applicant/accused Sachin Waze (A/1) prays this Court to release him on bail in Crime Registration Number (C.R.No.) RC-01/2021/NIA/MUM, in this case, registered with the National Investigation Agency (the NIA) 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(the UAPA).

2. On 07.08.2026, the Hon'ble High Court of judicature at Bombay, pleased to pass order on Criminal Interim Application No. 4527 of 2025, in Criminal Appeal (ST) No. 24687 of 2025 filed by Sachin Hindurao Waze (present applicant/accused) as applicant *Versus* Union of India and Anr. as respondent therein. That order of the Hon'ble High Court (Division Bench comprising Hon'ble Shri. Suman Shyam and Hon'ble Shri. Advait M. Sethna, JJ.) is as follows.

PC :-

1. This Interim Application has been filed with a prayer to condone the delay of 778 days in presenting the connected Appeal against the judgment and order dated 16th September 2023 in NIA Special Case No. 1090 of 2021 (Bail Application) passed by the NIA Special Court, Mumbai, rejecting the bail prayer made by the Applicant.

2. After hearing the submissions made at the Bar, we find that the earlier prayer for bail made by the Applicant was rejected at the stage when the investigation was still going on. However, it has been brought to our notice that the investigation in the connected case being CR No. 01/2021/NIA/MUM based on FIR No. 47 of 2021 has since been completed and the charge-sheet has also been submitted by the NIA. Based on the same, charge has also been framed against the Applicant on 1st August 2026.

3. If that be so, we are of the opinion that the Applicant would now be entitled to seek regular bail before the learned Trial Court in accordance with law. In other words, in our opinion, the present application, as well as the connected Appeal has become infructuous for all practical purposes.

4. Therefore, we close this Interim Application by keeping the question(s) of law involved therein, open to be decided in an appropriate case, by granting liberty to the Applicant to approach the learned Trial Court by making a fresh application, seeking bail.

5. We make it clear that if such an application is filed by the Applicant/Appellant the same shall be considered by the learned Court below, on merit and dispose of the same, as expeditiously as possible, by a reasoned order without being influenced in any manner with the findings, observations and conclusions recorded in the judgment and order dated 16th September 2023.

6. With the above observations, the Application as well as the connected Appeal stands disposed of.

3. After the above order dated 07.08.2026 of the Hon'ble High Court, filed without procrastination, this bail application is surprisingly too short and too to the point, cutting the crap just to 2-3 pages, in exceptionally unusual, pleasant though, manner. Following the directions of the Hon'ble High Court, this application is being decided with agility, in the nick of time.

4. In this Bail Application, applicant/accused Sachin (A/1) contends (from paragraph Nos. 4/1 to 4/6 of this order) as follows.

4/1. Present Bail Application is being preferred in the terms of liberty granted by the Hon'ble High Court, as above. He is in custody since 13.03.2021. The first Supplementary Charge-sheet is filed by the NIA on 29.05.2026 and the investigation is still admittedly incomplete. The charges are framed on 01.08.2026 by this Court.

4/2. Hence, applicant/accused Sachin (A/1) prays bail on the ground of delay, as charges are framed nearly five years after filing of the charge-sheet. Considering volume of the charge-sheet, more than 14,000 pages and 320 witnesses and 100 TBs electronic and digital

evidence, it is extremely unlikely to conclude the trial in near future. Prolonged incarceration would be in direct contravention of the settled constitutional principles embodied in Article 21 of the Constitution of India and also various authorities of the Hon'ble Supreme Court.

4/3. Applicant/accused Sachin (A/1) further prays bail on the ground of parity. As other accused like Pradeep (A/10), Sunil (A/5), Naresh (A/2), Riyazuddin (A/4) and Vinayak (A/3) are released on bail by the Hon'ble Supreme Court, by the Hon'ble High Court and also by this Court, now, this applicant/accused Sachin (A/1) also deserves to be released on bail, considering the principle of parity in his favour.

4/4. From the case of the NIA, the motive attributed to the applicant, further reading of two telegram posts in juxtapose with each other and no discovery of detonator with gelatin, it is sufficiently established that, the case under the UAPA is *ex-facie* not made out.

4/5. Applicant/accused Sachin (A/1) is ready to abide by any condition. He shall not tamper with evidence and the witnesses in any manner. He is not a flight risk. He has deep roots in society. He shall not abscond. He shall attend the trial on each date, unless his personal appearance is duly exempted. He shall co-operate in the trial.

4/6. Hence, on all the grounds above, this applicant/accused Sachin (A/1) be released on bail.

5. Strong Contesting Say Exh. 601-A is filed on behalf of the respondent/prosecution i.e. the NIA, wherein it is contended (from paragraph Nos. 5/1 to 5/6 of this order) as follows.

5/1. Both, on the facts and law, the Bail Application is opposed and objected. Earlier applications of this applicant/accused for default bail, for regular bail and for dropping of proceedings are rejected by this Court. *Order dated 16.09.2023 of this Court (while rejecting regular bail passed below Exh. 197) is well reasoned order and it covered almost all aspects wherein *prima facie* case is held to be established.* Hence, applicant/accused Sachin (A/1) is not entitled to bail now.

5/2. If at all there is delay in trial, it is not attributable to the NIA/prosecution. Rather, the applicant/accused delayed trial by repeatedly filing successive applications before this Court for bail and discharge. Hence, he cannot be permitted to take advantage of delay.

5/3. Alleged ground of parity is not a good ground for this applicant/accused Sachin (A/1) as the facts and circumstances are totally different from the accused who are released on bail by the respective Courts. As there exists a *prima facie* true case against present applicant/accused Sachin (A/1), his this application cannot be considered, particularly applying 'the parameters of the tripod test'.

5/4. Present application filed by applicant/accused Sachin (A/1) is nothing but an abuse of due process of law. It is a standard strategy and practice of the accused in this case, a deceptive method of filing appeals against the agency (NIA) at the cost of judicial time.

* This starred portion in the Reply/objection Exh. 601-A filed on 25.08.2026, is apparently derogatory to the direction of the Hon'ble High Court, in the order dated 07.08.2026, hence shall not be considered.

5/5. If bail is granted, as prayed for, it will cause great irreparable damage to the case and stall the important further investigation of this terror crime. The applicant/accused will threaten the witnesses and tamper with evidence. This will defeat the ends of investigation and justice of this case. He may pose a flight risk and may not be available for trial. Grounds raised by applicant/accused Sachin (A/1) in this Bail Application are not cogent and valid much less legal. As such, the same are devoid of merits and liable to be dismissed.

5/6. *Prima facie* true case exists against this applicant/accused Sachin (A/1), to show that, he is directly involved in commission of all the offences alleged against him those are criminal conspiracy, extortion, misappropriation of property and murder. Hence, it is prayed that, this application be rejected with cost in the interest of investigation and justice.

6. Perused Bail Application Exh. 601. Perused the Contesting Reply Exh. 601-A. On behalf of applicant/accused Sachin (A/1), written argument Exh. 601-B is also filed, in which background of the case, summary of the case, legal provisions and principles and extracts from earlier orders and gist of various case laws and legal provisions is mentioned. Perused the same. Applicant/accused Sachin (A/1), his Ld. Adv. Shri. Sajal Yadav and Ld. SPP Shri. Gonsalves, all relied upon various authorities of the Hon'ble High Courts and also of the Hon'ble Apex Court. I always feel honoured to be happily abided by each and every precedent of each and every Hon'ble Superior Court. In this order, I proudly borrow the gist from the precedents cited in this matter.

7. Heard Ld. advocate Shri. Sajal Yadav for applicant/ accused Sachin (A/1), who elaborated each and every ground contended in this Bail Application. He took me through various facts, circumstances, evidence and precedents and once again prayed to release the accused on bail. *Per contra*, the Ld. SPP Shri. Gonsalves in his usual vigour strenuously opposed the Bail Application elaborating the grounds in the contesting Reply, citing various precedents and referring the huge incriminating evidence, according to him, against applicant/accused Sachin(A/1) and once again prayed for rejection of the Bail Application. Heard the repetitive recrimination at utmost tolerable extent.

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

POINTS

FINDINGS

1. Whether present applicant/
accused Sachin (A/1) deserves to
be released on bail ?

... **In the affirmative.**

2. What order ?

... **As per the final order.**

R E A S O N S

9. Had it been the case at the threshold, I would have outrightly turned down the applicant's prayer.

10. However, pursuant to the order dated 07.08.2026 of the Hon'ble High Court, as above, I have to decide this application, in letters and spirit of that order, particularly keeping in mind - i) The

question(s) of law involved herein are kept open to be decided, ii) The Bail Application of applicant/accused Sachin (A/1) shall be considered on merit, iii) As expeditiously as possible and iv) by a reasoned order, without being influenced in any manner with the findings, observations and conclusions recorded in the judgment and order dated 16th September, 2023 (whereby, earlier Bail Application Exh. 197 of this same applicant/a14 ptccused Sachin (A/1) came to be rejected by the then Trial Court, C.R. No. 57). These are the touchstones.

11. Banal though, for thoughtful consideration, facts of this case and the role attributed to present applicant/accused Sachin (A/1) by the NIA/prosecution as it emerges from material with the charge-sheet have to be kept in mind all the way. So, I reproduce the facts of this case (from paragraph Nos. 11/1 to 11/4 of this order) as follows.

11/1. In this case there are three different FIRs, intricately and intrinsically interlinked with each others. The first in time and sequence FIR is dated 18.02.2021, lodged by Shri. Mansukh Hiran with Vikroli Police Station *vide* FIR No. 47/2021, for offence p/u/s 379 of the IPC contending that, his Mahindra Scorpio SUV vehicle was stolen. This 'Theft FIR' came to be transferred for investigation from Vikroli Police Station to DCB CID Crime branch, then to Anti Terrorism Squad and finally to the NIA. Every time it got new registration number with that respective Investigating Agency. It is referred as the 'Theft FIR'.

11/2. Then, on 25.02.2021, the same allegedly stolen Scorpio SUV Vehicle, of which 'Theft FIR' was lodged, found parked with twenty gelatin sticks and a threat note opposite to *ShikharKunj*

building on Carmichael Road, Mumbai, near *Antilia*, the house of Shri. Mukesh Ambani and family. Hence, on 25.02.2021, second FIR No. 35/2021 came to be registered with Gaodevi Police Station, Mumbai, for offences p/u/s 286, 465, 473, 506(2) and 120-B of the IPC and also for offences p/u/s 4(a)(b)(i) of the Explosive Act. This second FIR is also transferred to DCB CID Crime Branch, then to ATS, then to the NIA and every time this crime also got new registration number. This FIR is referred as 'Explosive/Threat FIR', as in that parked SUV vehicle, alongwith twenty gelatin sticks, a threat note to Ambanis was also found, according to the prosecution.

11/3. Shri. Mansukh Hiran (who on 18.02.2021 had first lodged the Theft FIR in respect of theft of his Mahindra Scorpio SUV vehicle), had left his house on 04.03.2021, to meet one Police Officer on his call. Mansukh did not return home for the whole night and went missing. Hence, his son Meet Mansukh Hiran on the next day i.e. on 05.03.2021, lodged a missing complaint with Naupada Police Station, Dist. Thane. On 05.03.2021 itself, in between 8.30 a.m. to 09.00 a.m., dead body of one person, (not identified at that moment to be of Mansukh Hiran) was found in Creek of Retibunder, by Mumbra Police. Hence, Accidental Death Report (ADR) No. 39/2021 came to be registered under section 174 of the Cr.PC by Mumbra Police Station. During investigation of that ADR No. 39/2021, something fishy transpired alongwith suspicious material. Smt. Vimala Mansukh Hiran (wife of the deceased Mansukh) also in her complaint before ATS Thane, alleged foul play and claimed that, her husband Mansukh was murdered by Sachin (present applicant/accused No.1). Hence, ultimately, on 07.03.2021, the ATS converted ADR No. 39/2021 into the offence

of murder registering the same as FIR No. 12/2021 for offences p/u/s 302, 201, 34, 120-B of the IPC against unknown person for murder of Mansukh. This is the third FIR i.e. 'Murder FIR' in this case.

11/4. Considering the complex nature of the offences and gravity of the offences, Government of India Ministry of Home Affairs (CTCR Division) *vide* order dated 02.09.2021, directed the NIA to take up the investigation. Meanwhile, Sachin (A/1) being the then in-charge of Crime Investigation Unit, Crime branch, Mumbai, had investigated the Theft FIR and the Explosive/Threat FIR for some while. During investigation by the NIA, some discrepancies revealed pertaining to the investigation conducted by this applicant/accused Sachin. His dubious role was noticed and hence, on 13.02.2021 he came to be arrested. Then in due course, after completion of the investigation, charge-sheet came to be filed in the Court against all the ten accused in this case.

12. Role attributed by the NIA to applicant/accused Sachin (A/1) as reveals from the charge-sheet and the material alongwith is (from paragraph No. 12/1 to 12/4 of this order) as follows.

12/1. Though applicant/accused Sachin (A/1) claims that, he had impeccable career record in his service, however, according to the prosecution, his service record was not unblemished and he was under suspension and some inquiries were going on against him. Soon before the offences in this case, accused Sachin was reinstated in service and it is said that, he was directed by high rank political figure to collect Rupees 100 crores per month from various hotels and bars in Mumbai and territory. It is in this

backdrop, it is overall case of the prosecution that, applicant/accused Sachin (A/1) wanted to regain his lost glory and wanted to establish himself as a super cop. In that process, he also intended huge monetary gain for himself.

12/2. Hence, to achieve those ends, as above in the last sub para, applicant/accused Sachin (A/1) hatched criminal conspiracy to terrorize wealthy and prosperous individuals and also to extort money by putting them into fear of dire consequences. For that, he required a vehicle in which he could plant some explosives, park it in front of the residence of influential and wealthy Industrialist or Corporate tycoon and putting him under terror, may gain/extort huge amount for self and also to complete the target of collection allegedly given to him.

12/3. It is further case of the prosecution that, hence, applicant/accused Sachin (A/1) choose Mahindra Scorpio vehicle of his own friend Shri. Mansukh Hiran. Applicant/accused Sachin (A/1) had in his possession the Scorpio of Mansukh Hiran from November 2020. He even collected numerous duplicate SIM Cards in fake names with help of accused Nos. 2 and 3. He remained in constant contact with co-accused, handed over back the Scorpio vehicle to Mansukh Hiran for some while and again obtained its possession. Then, on 18.02.2021, as a part of the conspiracy, the Theft FIR came to be registered for the alleged theft of the Scorpio vehicle. After that, this applicant/accused Sachin (A/1) got changed the number plates of the Scorpio, planted gelatin sticks in it and parked the same with a threat note near house of Shri. Mukesh Ambani. Hence, on 25.02.2021, the second FIR i.e. 'Explosive/Threat FIR' came to be registered.

12/4. Applicant/accused Sachin (A/1) then wanted his friend Mansukh to take blame on himself in respect of the explosive laden vehicle as it was owned by Mansukh himself. Mansukh refused to do so. Mansukh was knowing all the wrong deeds/conspiracy of applicant/accused Sachin (A/1). Mansukh was reckoned to be a weak link which would break easily. Hence, as the consequences of Explosive/Threat FIR were spiraling out of control, it was feared that, if Mansukh was booked (as there was every probability of his being arrested, as that explosive laden vehicle could be easily traced upto and linked with Mansukh) by other Investigating Agency, it was feared that, Mansukh might reveal everything and in that case, applicant/accused Sachin (A/1) and co-accused would be exposed. Fearing this, applicant/accused Sachin (A/1) further conspired to eliminate Mansukh. Accordingly, in the night of 04.03.2021, Mansukh came to be murdered, thrown into the creek and after his dead body was found, 'Murder FIR' came to be registered. The NIA took up the investigation and recorded statements of more than 300 witnesses, collected huge evidence and filed the charge-sheet.

13. The very substratum of the prosecution case is that, this applicant/accused Sachin (A/1) after his reinstatement in police service after long suspension, wanted to regain his clout. More over, he was under the compelling circumstances to collect Rs. 100 crors per month from the hoteliers and the Bar owners in Mumbai and territory, and in that process, he intended huge monetary gain for himself also and for that, he hatched criminal conspiracy with other accused in this case and committed all the alleged offences.

14. It is in the background of these facts and circumstances that, applicant/accused Sachin (A/1) was in search of easy and wealthy prey who would succumb to threat and would provide any amount of money to avoid fatal consequences. Hoteliers and the Bar owners are often hard nuts to crack. Family man, business man, corporate tycoon in comparison would have been considered to be an easy target to extract money from if kept under duress.

15. In this mental and psychological process as described in the last forgoing para that, applicant/accused Sachin (A/1) appears to have chosen the Ambani family. He appears to have thought that, it would be easier to create terror in the minds of the richest family and the family in turn would easily yield any amount of money. For that, according to the NIA, applicant/accused Sachin (A/1) planned meticulously and evolved well designed conspiracy with all the accused.

16. According to the NIA/prosecution, for that, applicant/accused Sachin (A/1) kept in his possession from November, 2020 to 05.02.2021, the Mahindra Scorpio SUV vehicle of his friend Shri. Mansukh Hiran (the deceased in this case), used it for some office purposes, then returned it back to Mansukh for short period and then again took it back in his possession, then asked Mansukh to lodge false FIR about theft of the same Mahindra Scorpio SUV vehicle, then kept gelatin sticks in it with threat note addressed to 'Nitabhabi aur Mukesh Bhyya' with warning that '*agle baar connect hokar aayega*'.

17. It is pertinent to note that, the prosecution is not coming up with any specific case that, to whom present applicant/accused Sachin

(A/1) wanted to terrorize i.e. in whose minds he wanted 'to create terror'. It is the Investigating Agency i.e. the NIA on its own, presuming just by reference of names in the so called threatening note that, applicant/accused Sachin (A/1) wanted to terrorize the prominent industrialist Shri. Mukesh Ambani and his wife Neeta Ambani and may be some other family members of Ambani family. May be. Now, at the outset and all the way it is to be remembered that, there is cardinal difference in law in two offences - one of just threatening and the other of creating terror, as terrorist act.

18. In the result, from the facts discussed up till now, from the side of the accused, at some extent it can be said that, he committed certain offences by parking the explosive laden SUV near the house of the prominent industrialist with threatening note. By doing this act, according to the NIA/prosecution, all the alleged offences are made out against applicant/accused Sachin (A/1). Well. That is why the Charges are framed against the respective accused for the respective offences, *inter alia* for the UAPA offences.

19. Because while framing of the Charge, probative value of the prosecution material cannot be gone into, as per the legal prepositions settled sky high through plethora of precedents. The material produced alongwith the charge-sheet has to be taken into consideration as it is at the stage of framing of Charge and its merits and de-merits cannot be gone into. For this reason, Charges are framed. But while considering merits of the prosecution case *qua* bail, the prosecution case with all material produced alongwith the charge-sheet has to be given a bird's eye view.

20. It is again pertinent to note that, had there been nothing at all to be considered on merits, the Hon'ble High Court would have long back thrown outrightly the Appeal of accused Sachin (A/1) filed with delay of 778 days, against the bail rejection order dated 16.09.2023 of the trial Court. At least now, despite directing this Court to consider Bail Application filed by applicant/accused Sachin (A/1) on merits, the Hon'ble High Court would have rejected the Appeal in its totality.

21. Axiomatically, by granting opportunity once again to applicant/accused Sachin (A/1), the Hon'ble High Court wants this Court to consider all aspects affecting bail and also keeping all the question(s) open to be decided at appropriate stage, that is, while deciding this Bail Application. Hence, I am taking up the exercise quite seriously.

22. At the cost of recapitulation, the NIA/prosecution broadly presumes that, applicant/accused Sachin (A/1) wanted to create terror in the minds of Ambanis, perhaps to extract money from them. This is quite hypothetical on the part of the NIA/prosecution. There is literally no iota of material to show any demand of money by this applicant/accused Sachin (A/1) to the Ambanis. Not a whit.

23. I have already pointed out that, the prosecution is not coming up with any specific case that, exactly in whose mind applicant/accused Sachin (A/1) wanted to create terror. Even if we suppose on ourselves that, he wanted to create terror in the minds of Ambanis, it is impossible to accept that, any such terror was in fact ever created in the mind of anyone, least in the minds of Ambanis.

24. Because till this moment, there is no statement recorded under section 161 or section 164 of the Code of Criminal Procedure, 1973 (the Cr.P.C.) of any of the family members of the Ambanis, nor of their near and dear relatives. Not even a single.

25. On being asked about the reason for not recording statement of any of the family members of the Ambanis, the Ld. SPP on behalf of the Investigating Agency i.e. the NIA, very conveniently and casually submits that, 'investigation is not completed yet, further investigation is going on and Supplementary Charge-sheets are being filed one after another'.

26. Then again, during arguments when asked to the Ld. SPP that, who in fact was terrorized by the explosive laden SUV, with efforts, the Ld. SPP could point out only one statement of KW-19, who was a salesman in a shop near the spot where the explosive laden SUV was allegedly parked. This witness is trifling in relation to the facts of the case. He at the fag end of his statement appears to have stated that, 'Due to this incident I was shocked, as later on I came to know that explosives was found in the suspicious vehicle near our shop'. Quite ditzy. Let it be. Statement of this truncated witnesses is practically vain *qua* the offences.

27. Firstly because, it is hearsay. Then, he was not terrorized due to the incident, but only shocked after coming to know that 'explosives were found in that vehicle'. From whom he came to know this, when, how, nothing is there in his statement. Then, more importantly, that statement of KW-19 appears to have been

recorded on 30.08.2021 i.e. much belatedly, six months after the explosive/threat FIR dated 25.02.2021. Thus, it has already lost its spontaneity. Then, more importantly, by planting the explosive laden SUV vehicle, this applicant/accused Sachin (A/1), even according to the prosecution, never intended to terrorize that poor shop salesman.

28. A person of weak personality may get frightened or shocked by anything. In every such case, he can not be said to have been intentionally terrorized by another. In commission of the terrorist act, intention of the accused is important and not the undesired, unforeseen consequences which were never expected, nor even remotely intended by the accused.

29. In this case, that docile shop salesman i.e. truncated witness No. 19 was never the target of the accused. He on his own choose to get shocked, not even frightened and was never terrorized by any act of any accused. According to the prosecution also, not to this salesman, but applicant/accused Sachin (A/1) wanted to terrorize the Ambanis. If it be so, why statement during investigation of anyone of the targets is not recorded by the NIA, remains a mystery. The prosecution just cannot escape saying casually that 'investigation is still going on and in due course, if felt necessary, their statements may be recorded', as submitted by the Ld. SPP on behalf of the NIA.

30. No one knows which *Muhurat* (good appropriate and auspicious time) the Investigating Agency is waiting for to record statement of any of the targets of the alleged terror, after such long gap of 5-6 years already lapsed after the incident of parking of the explosive

laden SUV. Even if in future the NIA chooses to record statement of anyone of the alleged targets of the alleged terror, certainly, it would have ruined its spontaneity and resultantly, probative value as well. If the NIA does not ever record statement/s of any one of the targets, at an apt stage, hopefully someone will remember illustration (g) in section 114 of the Indian Evidence Act, 1872.

31. Hence, considering the legal trite and mandate of the Hon'ble Apex Court and also of the Hon'ble High Courts that, at the time of framing of Charge, the prosecution material has to be considered at it is, without doubting its veracity and without considering probable defence of the accused, Charge is framed by this Court even for the UAPA offences. However, while considering the bail, that too, on merits as expected and directed by the Hon'ble High Court as above, this aspect has to be given its due importance. If it is not done, nothing else could be said 'considering the merits' of the case.

32. Resultantly, from his side, though applicant/accused Sachin (A/1) can be said to have committed offences under the UAPA and hence Charges are framed *inter alia* for those offences as well, from the side of the victims/targets, there is absolutely nothing on record even to infer by any stretch of imagination that, the Ambanis or anyone of them is/was, are/were ever terrorized in any manner. Rather, the facts appear otherwise. Day-to-day business of the Ambanis does not appear to have been disturbed even for a minute, soon after the incident till this moment. At least there is nothing to appear otherwise. It is not known to anyone that, whether anyone of the Ambanies ever came to know about the fact that, any explosives laden vehicle

was ever parked near their residence. They or anyone of them till this moment not come forward either to lodge complaint or even to offer statement during investigation.

33. It is not so that, the NIA does not know or does not understand the importance of prompt recording of statements during investigation. Still it did not record, not due to incompetence or ignorance but perhaps for some sort of constraint and limitation to do so. Whatsoever the reasons may be for not recording the statements of any of the family members of the Ambanis, it is certainly precarious to the credibility of the prosecution case.

34. The NIA wants to stretch the task of further investigation and to go on filing Supplementary Charge-sheets one after another for the perpetuity. Since after the incident of planting explosive laden SUV with the threat note near the house of the target, the target and other family members are very much available generally and easily.

35. It is not the case of the NIA that, since after and due to the incident that, the industrialist and his family members left the residence and are not traceable. No. They all are in and around the residence and in the city enjoying the life and doing all the possible businesses of mankind as like before the alleged incident, argued the Ld. advocate for applicant/accused Sachin (A/1) and with substance in my opinion.

36. It is again pertinent to note that, office of the Investigating Agency i.e. of the NIA and the *Antilia*, i.e. residence of the Ambanis, are literally just wall to wall adjacent ! So what prevented the NIA from

recording statement of anyone of the targeted family members is better known to the NIA itself. If this is not incompetence of the NIA then, this lassitude has to be seen with great pity and compassion.

37. Now on legal aspects. For that, I reproduce section 15 of the UAPA.

“Section 15. Terrorist act [(1)] Whoever does any act with intent to threaten or likely to threaten the unity, integrity, security, [economic security] or sovereignty of India or with intent to strike terror or likely to strike terror in the people or any section of the people, in India or in any foreign country,

(a) by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisonous or noxious gases or other chemicals or by any other substances (whether biological radioactive, nuclear or otherwise) of a hazardous nature or by any other means of whatever nature to cause or likely to cause-

(i) death of, or injuries to, any person or persons; or

(ii) loss of, or damage to, or destruction of, property; or

(iii) disruption of any supplies or services essential to the life of the community in India or in any foreign country; or

[(iiia) damage to, the monetary stability of India by way of production or smuggling or circulation of high quality counterfeit Indian paper currency, coin or of any other material; or]

(iv) damage to destruction of any property in India or in a foreign country used or intended to be used for the defence of India or in connection with any other purposes of the Government of India, any State Government or any of their agencies; or

(b) overawes by means of criminal force for the show of criminal force or attempts to do so or causes death of any

public functionary or attempts to cause death of any public functionary; or

(c) detains, kidnaps or abducts any person and threatens to kill or injure such person or does any other act in order to compel the Government of India, any State Government or the Government of a foreign country or [an international or inter-governmental organization or any other person to do or abstain from doing any act; or] commits a terrorist act.

38. If statement of Objects and Reasons behind enacting the UAPA is any indication, it clearly reads 'to make powers available for dealing with activities directed against integrity and sovereignty of India'. 'Unity and security (including economic)' as added in section 15, will not make much difference to the statement of Objects and Reasons.

39. If we do even superficial analysis of the definition of 'terrorist act' as in Section 15 of the UAPA for the purpose of deciding merits on law point for bail, merits would weigh more in favour of the accused at this stage. Because, it is not the case even of the NIA that, anyone of the accused in this case ever intended to threaten the unity, integrity, (economic) security or sovereignty of India in any manner.

40. Though according to the prosecution, this applicant/accused Sachin (A/1) wanted to strike terror or, act of the accused was likely to strike terror in the minds of Ambanis, I have already held in detail that, there is nothing on record to that effect. Then the words 'in the people or any section of the people' used in Section 15 of the UAPA in my opinion would not include in its ambit a particular single family

or its members. 'People or any section of people' in the Section is quite a wide connotation and requires some large number of persons, particularly based on sect, religion, language, ideology, cult as such.

41. Submissions of the Ld. advocate for applicant/accused Sachin (A/1) also carry substance that, the means for creating such terror, as contemplated in Section 15(1)(a) of the UAPA, are also to be considered. Those are bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisonous or noxious gases or other chemicals or by any other substances (whether biological, radioactive, nuclear or otherwise) of a hazardous nature or by any other means of whatever nature.

42. Then, those means or anyone of them, must have been used to cause or likely to cause- (i) death of, or injuries to, any person or persons; or (ii) loss of, or damage to, or destruction of, property; or (iii) disruption of any supplies or services essential to the life of the community in India or in any foreign country; or [(iiia) damage to, the monetary stability of India by way of production or smuggling or circulation of high quality counterfeit Indian paper currency, coin or of any other material; or] (iv) damage to destruction of any property in India or in a foreign country used or intended to be used for the defence of India or in connection with any other purposes of the Government of India, any State Government or any of their agencies.

43. Gelatin sticks allegedly used by the applicant/accused Sachin (A/1), according to his Ld. advocate, do not at all fall in any of the 'means' mentioned in this Section, as above. He submits that, the gelatin sticks without detonator or fudge to

explode are useless and in this case there was nothing like self combustion on the gelatin sticks. May possessing gelatin sticks without license amount to an offence under certain legal provisions, but certainly not under the UAPA, according to him. This argument is not countered successfully by the prosecution.

44. There is substance in the argument of the Ld. SPP that, if anything wrong happens to any prominent industrialist in India, it would cause loss to the economic security of the nation at some extent. True. But in that case also, it would not come within the ambit of Section 15 of the UAPA, as damage to economic security and to monetary stability of India to come in the Section, has to be by way of 'production or smuggling or circulation of high quality counterfeit Indian paper currency, coin or of any other material' and not by way of threatening any industrialist or corporate tycoon for extortion of money howsoever high he may. In our case, no one is ever threatened by any one for anything, no one parted anything due to such threat/s, no wrongful gain or wrongful loss to anyone is caused by such threats.

45. The SUV vehicle laden with gelatin sticks was parked near Shikharkunj building on Carmichael Road and not exactly opposite or just near Antilila on Altamount Road. Distance between these two spots is considerable and there are many other buildings in between. Hence, even the threat to the alleged target does not carry that much weight so as to create terror in their or anyone's mind.

46. In the background of all the foregoing discussion, though for framing of the Charge *inter alia* for the UAPA offences,

the material alongwith the charge-sheet taken as it is, without verifying it's credibility and probative value, was considered to be sufficient, however, considering this analysis, the same material is not sufficient to reject this Bail Application of the applicant/accused Sachin (A/1) 'on such merit' of the prosecution case.

47. Certainly, Shri. Mansukh Hiran died homicidal death in this case. This fact is clear from the *post mortem* Report and from all other surrounding material. There is no doubt about that. Still the fact remains that, murder of Mansukh was committed by the accused as he was thought to be a weak link who might expose the conspiracy of the accused of extorting money by threatening the industrialist by means of gelatin sticks kept in the SUV vehicle admittedly of Mansukh and for that, he was being persuaded to accept blame, but as Mansukh was not ready for that, hence, he was murdered. Murder of Mansukh is certainly quite unfortunate. Culprits must be tried according to law for that.

48. Nonetheless, the murder of Shri. Mansukh cannot be said as an outcome of any terrorist act and hence, in that case, the terrorist act, if at all there be any according to the NIA, would attract Section 16(1)(b) and not Section 16(1)(a) of the UAPA. Considering that relevant provision, i.e. Section 16(1)(b), applicant/accused Sachin (A/1) has undergone more than the minimum sentence of imprisonment of five years since the date of his arrest. True that, even for the offence p/u/s 16(1)(b), imprisonment may extend up to life with fine, however, it is discretionary in nature and not by default.

49. So far as murder, as punishable under Section 302 of the IPC is concerned, in this case, all the evidence against this applicant/accused Sachin (A/1) is circumstantial in nature and not direct. Taking the long view of the events, Charges are framed on the basis of the material taken as it is and at least to give an opportunity to the prosecution to prove it's case. Otherwise, the case would have been shut at the threshold without even a chance to adduce and evaluate the proposed evidence for the alleged offences. For framing of the Charge, I took the prosecution case as it is, without considering it's merits.

50. Now, for bail, after considering the prosecution case viewing schematically with a healthy degree of scepticism, that too, emerging on merits, and resultantly, holding applicant/accused Sachin (A/1) entitled for bail, still the opportunity of proving the case shall remain as it is, as was earlier and no prejudice would be caused to the prosecution. But if after considering such merits and holding the applicant/accused Sachin (A/1) entitled to be released on bail, if bail is refused, great prejudice would be caused to the personal liberty of the applicant/accused and mandate of the Constitution and also the mandates of the Hon'ble High Courts and of the Hon'ble Supreme Court would be violated.

51. It is the case of the NIA that, after sensed fear that, Shri. Mansukh would expose the conspiracy, this applicant/accused Sachin (A/1), hell-bent to eliminate Mansukh, entered into grisly conspiracy mainly with Pradeep Sharma (A/10) and Sunil Mane (A/5). For that, according to the NIA itself, Pradeep (A/10) hired the actual assailants those are Santosh (A/6), Anand (A/7) and Satish (A/8).

52. It is further case of the prosecution and of the NIA that, on 04.03.2021, Sunil (A/5) carried along the victim Mansukh in white colour POLO car, drove the same to Ghodbunder Road and around 09.30 p.m. handed over Mansukh to the actual assailants, those are Santosh, Anand and Satish (respectively accused Nos. 6, 7 and 8).

53. Thus from the charge-sheet and the material alongwith, it becomes clear that, according to the NIA, this applicant/accused Sachin (A/1) wanted to eliminate Mansukh. However, as per the version of the NIA itself, Pradeep (A/10) and Sunil (A/5) factually carried out execution of Mansukh with the help of the actual assailants Santosh (A/6), Anand (A/7) and Satish (A/8) in the night of 04.03.2021.

54. Besides Confessional Statement of Manish (A/9), which is also retracted by him, there is no any eye witness to the actual incident of murder of Mansukh. Not this applicant/accused Sachin (A/1), but it was Sunil (A/5) who was 'last seen together' with the victim Mansukh and then, with the actual assailants Santosh (A/6), Anand (A/7) and Satish (A/8) and their driver Manish (A/9).

55. Now it is important to note that, Pradeep (A/10) and Sunil (A/5) who according to the NIA itself played active role to eliminate Mansukh, for which Pradeep (A/10) hired the henchmen to whom Sunil (A/5) handed over Mansukh, both these accused Pradeep (A/10) and Sunil (A/5), are released on bail respectively by the orders dated 23.08.2023 and 12.09.2025 of the Hon'ble Supreme Court.

56. Not once, but twice in the order dated 23.08.2025, the Hon'ble Apex Court in paragraph Nos. 7 and 9 pleased to hold that, *qua* Pradeep (A/10), 'the offences under the UAPA would pale into insignificance and even remaining charges are based on circumstantial evidence'. Even the Hon'ble Bombay High Court on 23.01.2023 while rejecting Criminal Appeal No. 258/2022 of Pradeep (A/10), pleased to hold that, the Investigating Agency could not *prima facie* establish with whom conspiracy was hatched by the accused and further expressed displeasure about the manner in which the investigation is carried out by the NIA.

57. Though the above observations of the Hon'ble Supreme Court and of the Hon'ble High Court are relating to the UAPA offences, however, in this matter when Pradeep (A/10) and Sunil (A/5) who are more directly involved in murder of Mansukh, are granted bail, then present applicant/accused Sachin (A/1) deserves atleast some extent of parity in this regard.

58. True that, even for the offence p/u/s 302 of the IPC, sentence of life imprisonment or death, with fine is prescribed, and thus, it is also quite a serious offence. However, now considering the facts which are discussed in details up till now that, how act of this applicant/accused Sachin (A/1) *prima facie* falls short to satisfy definition of terrorist act, as contemplated in Section 15 of the UAPA and after holding that, murder of Mansukh at this moment does not appear to be direct outcome of any terrorist act, murder of Mansukh remains p/u/s 302 of the IPC, independent of the UAPA offences. And

in that circumstance, the rigors of section 43(D)(5) of the UAPA would not apply for murder of Shri. Mansukh.

59. From rest of all the offences with which applicant/accused Sachin (A/1) is charged, none of the offences attracts sentence of life imprisonment, or death.

60. Considering all the forgoing facts and circumstances discussed as above, applicant/accused Sachin (A/1) appears to have made out *prima facie* case to be released on bail.

61. The Ld. SPP argued forcefully that, 'this Court (presided over by myself only) has framed Charge against this applicant/accused Sachin (A/1) with other nine accused, *inter alia* for the offences under the UAPA and this fact itself is sufficient to show that, this Court has found *prima facie* case in the material alongwith the charge-sheet to frame the Charges'. Hence, according to him, 'once this Court found *prima facie* case to be existing against the accused to frame the charges, the accused would be caught in the clutches of Section 43(D)(5) of the UAPA which provides that, if *prima facie* case exists, the accused cannot be released on bail'.

62. Argument of the Ld. SPP sounds logical and attractive. Still my withers remain unwrung. I scrupulously go through all the precedents of the Hon'ble High Courts and also of the Hon'ble Apex Court on the subjects of discharge/framing of the charge and granting/rejecting bail *qua* the special statutes. After giving thoughtful consideration to all the reports, what emerges to the mind is

that, may be very subtle, but certainly there is evident difference in the criteria of '*prima facie* case' required to frame charge against the accused and required to reject his bail plea.

63. Criteria for bail and for framing of charge, thus may be similar at certain extent, but certainly they are not exactly the same. At the stage of framing of Charge, credibility, veracity, probative value of the prosecution material cannot at all be gone into and that material has to be taken as it is to decide whether the material is *prima facie* sufficient to frame charge against the accused. Thus, the *prima facie* criterion at the stage of framing of Charge is somewhat on lower pedestal. However, the criterion of *prima facie* case against the accused to reject his bail application is on somewhat higher pedestal. At the time of deciding bail plea, more serious evaluation of the material at least at certain extent, is required.

64. Thus, in this case considering the overall allegations against the accused, considering the overall nature of the offences, considering its overall consequences and considering the material alongwith the charge-sheet, as felt sufficient against the accused to frame Charge, the Charges are framed. At the same time, if the same material is scrutinized for deciding entitlement for bail, the above facts and circumstances discussed would tilt in favour of the accused for bail.

65. Applicant/accused Sachin (A/1) has served in Police Department for certain years. He has deep roots in the society. There is nothing to buttress the hypothetical fear of the NIA that, if released on bail, he might flee away. For that, necessary precaution can be taken.

66. So far as tampering with the evidence is concerned, particularly considering that Charges are framed against this applicant/accused Sachin (A/1) to that effect, now there is least scope for that. According to the NIA, whatsoever this applicant/accused Sachin (A/1) has done to tamper with the electronic and digital evidence, he has done it soon after the incident. Now every possible evidence is collected by the NIA. It is placed in safe custody of the NIA, the CFSL and also kept in the Court. There is no possibility of tampering with that evidence.

67. So far as tampering with witnesses is concerned, till today, five accused, including Ex-Police Officers, are released on bail. It is not the case of anyone that, any of the accused on bail ever attempted to contact any one of the witnesses in any manner. If this applicant/accused Sachin (A/1) is the kingpin of the offences, conditions to avoid his probable contact with the witnesses can be imposed upon him, and he knows the consequences well, of the breach.

68. Most vulnerable witnesses could probabally be the relatives of deceased Mansukh. They and most of all the witnesses are residing and doing business within the territory of Mumbai Municipal Corporation and adjoining districts like Thane, Palghar, Raigad and Navi Mumbai. Applicant/accused Sachin (A/1) can be directed not to enter any of these districts until evidence of all the material witnesses is over. He has even otherwise undertaken to be abided by any condition which would be imposed upon him by the Court.

69. Striking out balance of all the facts, circumstances, rival claims, conflicting interests of justice and of individuals, principles of Law and mandates of the Hon'ble High Courts and Hon'ble Supreme Court, I proceed to pass following order.

ORDER

- 1) This Bail Application is hereby allowed on following terms and conditions.
- 2) Applicant/accused Sachin Hindurao Waze (accused No.1) be released on bail in this case i.e. in C.R. No. RC-01/2021/NIA/MUM, on his executing Personal Recognition Bond of Rs. 1,00,000/- (Rs. One lac only) with a local solvent surety in the like amount.
- 3) Applicant/accused Sachin (A/1) shall forthwith surrender his Passport, if he possesses any, to the NIA. If he does not possess any, applicant/accused Sachin(A/1) shall swear in an affidavit to that effect.
- 4) Till evidence of material witnesses in this case is recorded, this applicant/accused Sachin (A/1) shall not reside and even enter territorial jurisdiction of the Districts of Brihan Mumbai, Navi Mumbai, Raigad, Thane and Palghar. During this period, applicant/accused Sachin (A/1) shall reside beyond territorial jurisdiction of these five Districts and shall come to attend the trial of this case only. After the Court proceeding on the fixed dates of this case, applicant/accused Sachin (A/1) shall forthwith leave territorial jurisdiction of these Districts and shall forthwith go to his residence, which shall be beyond the territorial jurisdiction of these Districts and shall report to the local/ jurisdictional police station about his return from Court dates.

- 5) Towards compliance of the last forgoing term and condition as above, applicant/accused Sachin (A/1) shall, within 7 (seven only) days from the date of this order, furnish the address of his proposed residence beyond territorial jurisdiction of the above Districts. The NIA shall verify the address and also that, applicant/accused Sachin (A/1) resides there. Any change in such address shall forthwith be communicated to this Court and also to the NIA and the local/territorial police station.
- 6) Applicant/accused Sachin (A/1) shall also furnish the live mobile phone number, which he shall keep always active and charged throughout, so that his presence and whereabouts can be monitored by the NIA, if required, and also by the local police within territorial jurisdiction of which he proposes to reside, beyond territorial jurisdiction of the above five Districts.
- 7) The surety of applicant/accused Sachin (A/1) shall be responsible and liable for the strict compliance of the above term Nos. 4, 5 and 6 alongwith securing his presence during trial.
- 8) Applicant/accused Sachin (A/1) shall attend jurisdictional police station of his residence on every Sunday in between 12.00 p.m. to 03.00 p.m. till further orders.
- 9) Applicant/accused Sachin (A/1) shall actively respond to the phone calls, Whatsapp call, Video calls, as and when would be made by the NIA or by the local jurisdictional police, so as to affirm his whereabouts and location. These authorities may track location of the applicant/accused Sachin (A/1), as and when required.
- 10) Applicant/accused Sachin (A/1) shall not directly or indirectly contact or communicate in any manner with any of the witnesses or their relatives or near and dears.
- 11) Applicant/accused Sachin (A/1) shall not tamper with any evidence in this case in any manner.

12) Breach of any of the forgoing conditions shall be viewed seriously and legal consequences shall ensue.



Date :29.09.2026.

(CHAKOR SHRIKRISHNA BAVISKAR)

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

Dictated on : 21.09.2026, 23.09.2026 and 24.09.2026.
Transcribed on : 28.09.2026.
Signed on : 29.09.2026.

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER"		
UPLOAD DATE	TIME	NAME OF STENOGRAPHER
29.09.2026	01.15 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.		29.09.2026.
Judgment/order signed by P.O on		29.09.2026.
Judgment/order uploaded on		29.09.2026.