

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1902 OF 2026

Atish Santosh Garudkar

... Applicant.

Vs.

The State of Maharashtra

... Respondent.

Mr. Vivek Arote a/w Mr. Akshay Dingale & Mr. Harish Arote, Advocate for the Applicant.

Mr. Sukanta Karmakar, APP for Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 22nd July, 2026.

P.C. :

1. Heard, Mr Vivek Arote, learned Advocate for the Applicant and Mr. Sukanta Karmakar, learned APP for the State.

2. By the present Application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS" for short), the Applicant seeks Regular Bail in Crime No. 646 of 2024 registered with the Baramati City Police Station, Taluka Baramati, for offences punishable under Sections 103(1), 61(2), 189(2), 189(4), 191(2), 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023 and under Section 4 read with Section 25 of the Arms Act. The Crime No. 646 of 2024 is registered as Sessions Case No. 102 of 2025 and is pending

before the Additional Sessions Judge, Baramati.

3. Mr. Vivek Arote, learned Advocate for the Applicant, states that there are 10 accused in the present crime. Applicant is Accused No. 4. He states that Crime No. 646 of 2024 is registered as Sessions Case No. 102 of 2025 and is pending before the Additional Sessions Judge, Baramati.

4. The case of the prosecution is that on account of previous enmity, there was a clash between two groups, which resulted in the death of Ganesh Waghmode.

5. Applicant was arrested on 28.01.2025. Criminal Bail Application at Exhibit 58 in Sessions Case No. 102 of 2025 filed by the Applicant was dismissed by the Additional Sessions Judge, Baramati, by order dated 15.04.2026.

6. Mr. Vivek Arote, learned Advocate for the Applicant, submits that although the Applicant is named in the FIR, there are no allegations of the involvement of the Applicant in the charge-sheet. He submits that Accused Nos. 1, 5, 6 and 7 with similar allegations have been released on bail by this Court (Exh. B, page Nos. 316 to 333 of the paper book). He, therefore, seeks bail on the ground of parity. He submits that the

Applicant has no criminal antecedents.

7. Mr. Sukanta Karmakar, learned APP for the State, submits that the Applicant is named in the FIR and that some of the witnesses have also stated that the Applicant was present at the scene of the offence. However, in all fairness, he submits that there is no material to indicate the Applicant's participation in the crime.

8. Mr. Sukanta Karmakar, learned APP for the Respondent-State, does not dispute the contentions of Mr. Vivek Arote that the allegations against the Applicant in the present crime are similar and identical to those against Jayesh Babasaheb Mane (Accused No. 1), Somnath Rangnath Yadav (Accused No. 5), Bhoya @ Kishore Bapu Bhise (Accused No. 6) and Bandu Bhiva Kale (Accused No. 7).

9. Perused the records with the assistance of learned Advocates of the parties.

10. A perusal of the charge-sheet reveals that although the Applicant's name is mentioned in the FIR and some witnesses have referred to the Applicant's presence at the scene of offence, there is no overt act indicating the Applicant's involvement in the present crime.

11. Accused Nos. 1, 5, 6 and 7 in Crime No. 646 of 2024, on similar and identical allegations, have been released on bail. There is no material placed on record to demonstrate any distinguishing circumstances that would warrant a different view in the case of the Applicant.

12. Mr. Vivek Arote, learned Advocate for the Applicant, would be justified in seeking bail on the ground of parity.

13. The Applicant does not have any criminal antecedents as submitted by Mr. Vivek Arote, learned Advocate for the Applicant.

14. In view of the above, the Applicant is entitled to bail, on the following conditions:-

(a) Applicant is directed to be released on bail in connection with Crime No. 646 of 2024, registered with Baramati Police Station, Baramati, upon furnishing a P.R. Bond in the sum of Rs.25,000/- each, with one or two sureties in the like amount, to the satisfaction of the Additional Sessions Judge, Baramati.

(b) Applicant shall attend and report before the Investigation Officer, Baramati City Police Station, Taluka Baramati once in a month i.e. on the first Saturday of each month from 10.00 a.m. to 12.00 p.m., untill further orders.

- (c) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him from disclosing the facts to the Court or any police officer and should not tamper with evidence.
- (d) Applicant shall attend and regularly appear before the Additional Sessions Judge, Baramati in Sessions Case No.102 of 2025 on each date fixed in the matter, unless exempted specifically by the Court.
- (e) Applicant upon his release, within 3 days shall furnish to the Investigating Officer, Baramati Police Station, Baramati, his residential addresses with proof and the contact numbers and to keep the Investigation Officer intimated about the change in the same from time to time.

15. Criminal Bail Application No. 1902 of 2026 is allowed in the above said terms.

(ASHWIN D. BHOBE, J.)

Digitally
signed by
VIVEKANAND
RAJENDRA
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