

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**BAIL APPLICATION NO.3400 OF 2021**

|                         |   |    |            |
|-------------------------|---|----|------------|
| Nilesh Nandkumar Sawant | ] | .. | Applicant  |
| vs.                     |   |    |            |
| State of Maharashtra    | ] | .. | Respondent |

Mr.Santosh Bhatagunak for the Applicant.  
Mrs.A.A. Takalkar, APP for the State.  
API Sandip Patil, Nerul Police Station present.

**CORAM : BHARATI DANGRE, J**

**DATE : 18<sup>th</sup> OCTOBER, 2022.**

**P.C.**

1] The Applicant is facing charge under Section 364A, 323, 324, 143, 144, 149 read with 34 of the IPC in CR No.372/2020.. The Applicant is charge-sheeted as accused No.5 who came to be arrested on 01.01.2021

2] Heard learned counsel for the parties and perused the charge-sheet placed on record.

3] The learned counsel for the Applicant has placed on record an order passed in the case of accused Samarraaj Nayak Prasad in BA No.1620/2022, who came to be released on bail on 23.08.2022. Similarly he has also placed on record order passed in the case of

accused Sagarkumar Vijaykumar Singh (BA No.3067/2021) passed on 08.09.2022.

4] On being confronted with the two orders the learned APP fairly states that the Applicant is entitled to parity and she would submit that the limited role attributed to the Applicant is providing the premises where the victim was confined. For the said purpose she would rely upon the statement of Ramesh Patil recorded during the course of investigation who has stated that keys Room No.6 in Vashishth Aparatment are with Applicant as he was working as driver with the said person. The investigation has revealed that the victim was confined at this place. About the Applicant being one of the person who has assaulted, though some mobile footage is recovered, report of its analysis is yet awaited. The Applicant is said to have been identified by the victim, but his specific role as assailant has not been established.

Samarraj Prasad was also identified, but considering the case of prosecution, and by recording that in any case no ransom was made over, the co-accused were released on bail. There is no reason why parity shall not apply to the present Applicant.

5] The observations made above are prima facie in nature and limited for the purpose of determination of the present Application and the learned Judge trying the Applicant for the offences, with which he is charged, shall not in any manner be influenced by the above order.

Hence, the following order :

**ORDER**

- (a) Application is allowed.
- (b) Applicant – Nilesh Nandkumar Sawant shall

be released on bail in connection with C.R.No.372 of 2020 registered at Nerul Police Station on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

The Applicant shall be released on cash bail of Rs.25,000/- for the period of four weeks in lieu of the sureties. During the said period the applicant shall arrange for the sureties.

(c) The applicant shall report to the concerned Police Station on every Monday between 11.00 a.m. to 12.00 noon till framing of charge.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(e) The Applicant shall regularly attend trial, on every date, unless exempted.

**[BHARATI DANGRE, J]**