



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1666 OF 2025

PRAVIN @ DIGAMBAR BABASAHEB KAMBLE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for applicant : Mr. R.R. Karpe
APP for the respondent – State : Mr. S.M. Ganachari
Advocate for assist to APP : Mr. N.B. Narwade
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 8 DECEMBER 2025

PER COURT :

The applicant has approached this Court seeking regular bail in connection with FIR bearing Crime No. 0722 of 2024 dated 20.09.2024 registered with Ahmednagar Taluka Police Station, District - Ahmednagar for the offences punishable under section 109, 189-2, 191-2, 191-3, 190 of the Bharatiya Nyaya Sanhita, 2023, under section 4/25 of the Arms Act.

2. Learned counsel for the applicant submits that in relation to the incident dated 19.09.2024, the applicant is arrested on 31.01.2025, the investigation is completed, chargesheet is filed. The applicant further asserted the ground of parity since the other accused are enlarged on bail by this Court. It is further submission of learned counsel for the applicant that there is substantial variance between

thethumb statements of the witnesses in relation to the accused who was really accompanied with the present applicant.

3. In support of the same, attention of this Court is invited to the orders in respect of co-accused, passed by this Court in Bail Application No. 2008 of 2024 (***Sahebrao Kondiba Salve V. State of Maharashtra***, order dated 28.11.2024) and Bail Application No. 1138 of 2025 (***Deepak Bhima Salve V. The State of Maharashtra***, order dated 25.07.2025).

4. Per contra, learned APP and learned counsel for the original complainant has vehemently opposed the application since the applicant is involved in the serious offence. It is submitted that on account of the blow inflicted by the applicant, thumb of the applicant is amputated and the nature of injury is grievous. Further submission is that the applicant having given blow which resulted into amputation, further attempt of the applicant to inflict assault is apparent from the material on record.

5. Having heard the respective parties, perusal of the record indicates and establishes the fact that it is the applicant, who is the assailant. Equally, corresponding injuries sustained by the victim on account of blow inflicted by the applicant is evident from the injury certificate placed on record.

6. Submission of the applicant with regard to inconsistency about the accompaniment, does not warrant consideration at this stage since, *prima facie*, there is sufficient material on record that it was the applicant who has inflicted the blow on the victim with the help of sword which has resulted amputation of thumb.

7. So far as the ground of parity, as is asserted by the learned counsel for the applicant is concerned, also does not warrant any consideration since the other co-accused whose role is rather distinct and different than that of the present applicant, the Hon'ble Apex Court in case of **Sagar V. State of U.P. and another; 2025 SCC OnLine SC 2584**, has held that the principle of parity is not the sole ground on which the bail can be granted.

8. The requirement of position is not met only by involvement in the same offence. Position means what the person whose application is being weighed, his position in crime i.e. his role etc. There can be different roles played – someone part of a large group, intending to intimidate; an instigator of violence; someone who throws hands at the other side, instigated by such words spoken by another, someone who fired a weapon or swung a mechete – parity of these people will be with those who have performed similar acts, and not with someone who was part of the group to intimidate the other by the sheer

size of the gathering, with another who attempted to hack away at the opposer's limbs with a weapon.

9. So far as Order passed by this Court in BA/20082024 and BA/1138/2025 (cited supra), the Court has also considered the role of the applicants in the said applications, which is rather distinct and different, as such, ground of parity is not available to the applicant.

10. Undoubtedly, the role of the applicant is definite from the record and it was the applicant, who is the assailant resulting into serious injury, as such the principle ground of parity is not available to the applicant.

11. In that view of the matter, the application does not warrant any consideration. Resultantly, the bail application stands rejected.

[SACHIN S. DESHMUKH]
JUDGE

arp/