



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 BAIL APPLICATION NO. 1850 OF 2025

SHIVA DADA SHINDE
VERSUS
THE STATE OF MAHARASHTRA

...

Mr. N. L. Jadhav, Advocate for Applicant.
Mr. N. B. Patil, APP for Respondent-State.

...

AND

920 BAIL APPLICATION NO. 1853 OF 2025

DADA SARDAR SHINDE
VERSUS
THE STATE OF MAHARASHTRA

...

Mr. N. L. Jadhav, Advocate for Applicant.
Mr. P. P. Dawalkar, APP for Respondent-State.

...

AND

921 BAIL APPLICATION NO. 1857 OF 2025

ANIL BAPPA KALE
VERSUS
THE STATE OF MAHARASHTRA

...

Mr. N. L. Jadhav and Mr. Ravindra B. Wankhede, Advocate for Applicant.
Mr. K. K. Naik, APP for Respondent-State.

...

CORAM : SANJAY A. DESHMUKH, J.

DATE : 9th OCTOBER, 2025

PC.:-

1. Heard learned Advocate for the Applicants and learned APPs for the respective Respondent-State.
2. These applications are filed for granting regular bail under

Section 483 of the Code of Criminal Procedure, 1973. The Applicants are arrested in C.R. No.145 of 2025 dated 8th April 2025, registered at Kaij Police Station, District Beed, for the offences punishable under Section 310(2) Bharatiya Nyaya Sanhita, 2023.

3. Learned Advocate for the Applicants pointed out the contents of the report, which states that the Informant, who is employed as a watchman with Awada Company, Massajog, was on duty on 7th April 2025 at around 7:00 p.m. along with one Abhijit Bhimrao Dundhav at the WTG-48 location, where wind power project work was in progress. At about 11:45 p.m., a group of around 14 unknown persons, having masks on their faces and some wearing caps, shirts, and pants, speaking in Hindi and Marathi, illegally entered the site. When the Informant and Abhijit questioned them about their presence, four of the intruders approached them, armed with wooden sticks, and assaulted them, causing injuries. They then tied the hands and feet of the Informant and Abhijit. The remaining ten accused climbed the iron ladder attached to the windmill structure of Awada Company, cut the copper cable wires, and took them away. The total value of the stolen cable wires was estimated at Rs.12,87,000/-. Accordingly, the Informant lodged the report. Learned Advocate for the Applicants submitted that the Applicants have been falsely implicated and there is no substantive material connecting them to the alleged offence. It is further submitted that the Applicants have roots in the society, are not

likely to abscond, and the investigation has been practically completed.

4. Learned Advocate for the Applicants relied upon the order passed by this Court in Bail Application No.1090 of 2025, dated 2nd July 2025, whereby Co-accused Nos.3 and 4 were released on bail. It is submitted that the present Applicants are similarly situated and, therefore, are entitled to be released on bail on the principle of parity.

5. Learned APPs for the respective Respondent-State strongly opposed the applications and submitted that the Applicants are involved in a serious offence. It is contended that the stolen articles have been recovered at the instance of accused Baban S. Shinde. The Applicants have been identified in the test identification parade, and there is direct involvement of the Applicants in the commission of the crime. The investigation is still in progress. It is, therefore, prayed that the applications be rejected.

6. Perused the investigation papers, particularly the report and the test identification parade. The investigation is still in progress. The Applicants have been identified in the test identification parade. Considering the role attributed to the Applicants, it appears that their release on bail may lead to the possibility of commission of similar offences. Hence, the Applicants are not entitled to be released on bail. As regards the contention of parity, it is observed that in the order

passed by this Court dated 2nd July 2025 in Bail Application No.1090 of 2025, whereby Co-accused Nos.3 and 4 were released on bail, it was not recorded that they were identified in the test identification parade. The said order was passed on different grounds, and Accused Nos.1 and 2 had withdrawn their applications. Therefore, the Applicants cannot claim bail on the principle of parity. As per paragraph No.7 of the judgment of the Hon'ble Supreme Court in ***Prabhakar Tewari Vs. State of U.P. & Anr.***, Special Leave Petition (Cri.) No.9207 of 2019, decided on 24th January 2020, it has been held that mere criminal antecedents cannot be the sole ground for refusing bail. However, in the present case, the applications are not being rejected merely on that ground but due to the direct involvement of the Applicants, which is established through their identification in the test identification parade.

7. Considering all these aspects, there is no ground to allow the application on parity and merit also. Hence, the applications stand rejected.

(SANJAY A. DESHMUKH, J.)