

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.2229 OF 2024

VAIBHAV
RAMESH
JADHAV

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Karan Vijay Telkar

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Ganesh Gupta with Sahil Ghorpade, Surya Gupta and Priyanka Rathod i/by Madan Khansole for the applicant.

Mr. Prasanna P. Malshe, APP for the State.

Chavan, API, Mumbra Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : JUNE 24, 2025

P.C.:

1. Leave to amend. Amendment to be carried out forthwith.
2. The present bail application is filed by the applicant in connection with Crime No. I-246 of 2023 registered at Mumbra Police Station for offences punishable under Sections 394 (robbery), 341 (wrongful restraint), 504 (intentional insult), 427 (mischief) read with Section 34 (common intention) of the Indian Penal Code, 1860, along with Sections 3(1)(ii), 3(2), and 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (MCOC Act).
3. As per the prosecution case, on the day of the incident, while

the informant was on his way in his car, a group of accused persons came on motorcycles and intercepted his vehicle by giving signal to stop. It is alleged that once the informant halted the car, the accused persons forcibly robbed him, due to which the informant lodged a First Information Report (FIR).

4. During the investigation, the role attributed to the present applicant is that of a pillion rider on one of the motorcycles. It is alleged that accused No.3 was riding the same motorcycle. The prosecution contends that the accused persons, including the present applicant, committed the offence of robbery jointly.

5. Learned Advocate for the applicant submitted that a Co-ordinate Bench of this Court, by order dated 25th April 2024 passed in Criminal Bail Application No. 156 of 2025, has granted bail to accused No.3, who was allegedly riding the motorcycle with the present applicant. It is argued that the role of the present applicant is similar to that of accused No.3, and therefore, he is entitled to be released on bail on the ground of parity.

6. On the other hand, learned APP opposed the application and submitted that in the present case, the applicant has given a confessional statement under Section 18 of the MCOC Act. It is contended that the nature and content of this confessional statement shows active participation of the applicant and distinguishes his role from that of accused No.3.

7. I have carefully perused the charge sheet and considered the statements of witnesses, including the confessional statements of the applicant and co-accused. I have also gone through the bail

order passed by the Co-ordinate Bench in favour of accused No.3. On overall assessment, it is seen that the role of the applicant and that of accused No.3 is not distinctly different. The charge sheet describes the act of robbery as a joint act committed by all accused persons together. The confessional statement of the applicant, even if taken into account, does not segregate his individual role to such an extent as to deny him the benefit of parity.

8. Further, the Co-ordinate Bench has granted bail to accused No.3 after considering similar allegations, antecedents, and confessional material on record. Hence, in the facts of the present case, where the role of the applicant is at par with that of accused No.3, I am of the considered view that the applicant deserves to be released on bail on the ground of parity.

9. The applicant Karan Vijay Telkar is directed to be released on bail in connection with Crime No.I 246 of 2023, registered with Mumbra Police Station for offences punishable under Sections 394, 341, 504, 427 read with 34 of the Indian Penal Code, 1860 and Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999, upon furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

- a) The applicant shall not tamper with the evidence or attempt to influence any witness.
- b) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.

- c) The applicants shall report to the Mumbra Police Station on the first Monday of every month between 10.00 a.m. and 12.00 noon, until further orders.
 - d) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
 - e) The applicant shall not indulge in any criminal activity during the pendency of the trial.
10. The bail application is disposed of in the aforesaid terms.

(AMIT BORKAR, J.)