

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

CRIMINAL BAIL APPLICATION NO. 3730 OF 2024

Chetan Raju Gaikwad 2 Chaitnya Raju Gaikwad ... Applicant

Vs.

The State of Maharashtra ... Respondent

WITH

CRIMINAL BAIL APPLICATION NO. 1202 OF 2025

Daddy @ Vishal Mariba Kamble ...Applicant

Vs.

The State of Maharashtra ...Respondent

WITH

CRIMINAL BAIL APPLICATION NO. 4859 OF 2024

Kiran Bhimrao Wanjare ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Kuldeep Nikam, Advocate for the Applicant.(in BA 3730 of 2024)
Mr. T.G. Khan, APP for Respondent/State.

Mr. Aniket Nikam a/w. Mr. Vaibhav Kulkarni a/w. Ms. Disha Rathod a/w.
Abhilasha Pawar a/w. Mr. Yash Agarwal a/w. Mr. Prathamesh
Deshpande for the Applicant (in BA 1202 of 2025)
Mr. Anamika Malhotra, APP for the State.

Ms. Shubhangi Parulekar (appeared through VC) a/w. Vrunda Surve
a/w. Varsha Bhosale for the Applicant (in BA4859 of 2024)
Mr. T.G. Khan, APP for the State.

CORAM : ASHWIN D. BHOBE, J.
DATE : 8th AUGUST, 2025

P.C. :

1. Ms. Shubhangi Parulekar, Mr. Aniket Nikam and Mr. Kuldeep

Nikam, submit that one of the ground on which the Applicant is seeking bail is the ground of parity. They rely on the order passed by the Hon'ble Supreme Court in the case of Siddhart Mariba Kamble in support of their claim of parity.

2. Mr. Aniket Nikam submits that in paragraph 3(VI)(d), Applicant (Dattatraya Vishal Mariba Kamble) has raised the following grounds :

“3(VI) (d) Subsequently, one of the Accused in the present case Siddharth Kamble was enlarged on bail by the Hon'ble Supreme Court in Special Leave Petition No. 15030 of 2024 vide Order dated 20.12.2024 passed by the Court of Hon'ble Justice Mr. Abhay S. Oka and Hon'ble Justice Mr. Augustine George Masih.”

2. Mrs. Malhotra and Mr. Khan, learned APP submit that the Applicant herein would not be entitled to parity. They submit that Siddharth Marba Kamble has been released on bail on the observations made therein, which are not applicable to the Applicants herein. They rely on paragraph 3 of the order dated 20th December, 2024 passed in SLP (Criminal) 15030 of 2024.

"3. Prima facie, the role attributed to the appellant appears to be that the he was present at the time of incident. No overt act has been attributed to him. He has undergone incarceration for a period of one year and 11 months. The trial is yet to begin. 90 witnesses have been cited by the prosecution. There were two other cases registered against the appellant. In the first one, he has been acquitted and the second is under Section 4(25) of the

Arms Act. 1959 read with Section 37(1) and 135 of the Maharashtra Police Act."

They submit that the said order specifically refers to no overt act is attributed to Siddharth Kamble. They submit that in the present case overt act is specifically attributed to the Applicants in the applications under consideration.

3. Mr. Aniket Nimkam and Mr. Kuldeep Nikam submit that the records i.e. the charge-sheet and more particularly the statements of Arjun Gaikwad (Page No. 151), Akash Rajput (page No.233), Hemant Choudhari (page No. 253), Vikas Waghmare (510), Ajay Kansole and the CDR make a reference to the involvement of Siddharth Mariba Kamble in the said crime, to be similar to that of the Applicant.

4. In view of the issue raised by the Applicant and the contested by the Respondent, Mrs. Malhotra and Mr. Khan, learned APP seek time to file reply on this specific issue.

5. At the request of Mrs. Malhotra and Mr. Khan, learned APP for the State, list the matter on Monday i.e. on 11th August, 2025 for reply.

(ASHWIN D. BHOBE, J.)