

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

CRIMINAL BAIL APPLICATION NO. 4710 OF 2024

Kumar @ Gotya Balbhim Lohar. ... Applicant.
Vs.
The State of Maharashtra ... Respondent.

Mr. Aniket Vagal a/w. Ms. Juhi Kadu, Mr. Kunal N. Pednekar, Ms. Savvy Kolhekar, Advocate for the Applicant.

Ms. Anamika Malhotra, APP for Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 18th JULY, 2025.

P.C. :

1. Heard Mr. Kuldeep U. Nikam, learned Advocate for the Applicant and Mr. Khan, learned APP for State.

2. By the present Application filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS"), the Applicant is seeking regular bail in Crime No. 122 of 2022 registered with Wanwadi Police Station, Pune for the offences punishable under Section 302, 307, 323, 201, 120(B), 506(2), 143, 144, 147, 148, 149 of the Indian Penal Code, Section 4, 25 of Arms Act, Section 37(1), (3) r/w. 135 of Bombay Police Act, Section 7 of the Criminal Law Amendment act and Section 3(1)(i), 392) and 3(4) of Maharashtra Control of Organized Crime Act (for short "MCOCA"). Said Crime is registered as Special (MCOC) Case No. 747 of 2022 and is pending on the file of the learned Special Judge (Under MCOC Act) & Additional

Sessions Judge, Pune. There are 9 accused in the present Crime. Applicant is Accused No. 6.

3. Case of prosecution is that Sunny Hiwale (deceased) was assaulted by the Accused with weapons. Sunny Hiwale succumbed to the injuries.

4. Applicant was arrested on 13.04.2022, since then he is in jail. Bail Application at Exh. 30 filed by the Applicant was rejected by the learned Trial Court on 21.10.2024.

5. Mr. Aniket Vagal, learned Advocate for the Applicant submits that the Applicant is seeking bail on the ground of parity. He submits that Sachin Sanjay Nawale (Accused No. 1 in the said crime) who is the gang leader was released on bail by the Trial Court by its order dated 6th May, 2024. He submits that involvement and the allegations against the Accused No. 1 in the said crime are similar and in fact, identical to the allegations made against the Applicant in the said crime.

6. Ms. Anamika Malhotra, learned APP for the State, submits that as per the charge-sheet, involvement of the Applicant and Accused No. 1 in the said crime is identical. Hence, she submits that the case of the Applicant can be considered on the ground of parity.

7. Mr. Aniket Vagal submits that in the event, indulgence is shown to the Applicant, he has instructions from the Applicant to state that pending trial, the Applicant shall not enter the jurisdiction of Pune City. Statement accepted.

8. Perused the record with the assistance of the learned Advocate for the parties.

9. Perusal of the charge-sheet reveals that the role assigned to the Applicant and the Accused No. 1 in the said crime is similar and identical, as submitted by the learned Advocate for the parties. Mr. Vagal submits that till date charge is not framed in Special (MCOC) Case No. 747 of 2022. Accused No. 1 being released on bail (page Nos. 1918 to 1924 of the paper book), the Applicant who is similarly placed is entitled to bail on the ground of parity.

10. In view of the above, Bail Application is allowed on the following conditions :

(a) Applicant be released on bail in Crime No. 122 of 2022 registered with Wanwadi Police Station, Pune upon furnishing P.R. Bond in the sum of Rs. 50,000/- with one or two sureties in the like amount to the satisfaction of the learned Special Judge (Under MCOC Act) & Additional Sessions Judge, Pune.

(b) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence.

(c) Applicant shall attend Sadar Bazar Police Station, Solapur on the 5th and 20th day of every month from 10 a.m. to 12 p.m. Sadar Bazar Police Station, Solapur should report compliance to Wanwadi Police Station, Pune.

(d) Applicant upon release within 3 days shall furnish his residential address with proof and contact details to the learned Special Judge (Under MCOC Act) & Additional Sessions Judge, Pune. and Investigating Officer, Wanwadi Police Station, Pune

(e) Applicant shall co-operate in the conduct of the trial and shall regularly attend the hearing of Special (MCOC) Case No. 747 of 2022, pending on the file of learned Special Judge (Under MCOC Act) & Additional Sessions Judge, Pune, on each and every date, unless exemption is granted by the learned Special Judge (Under MCOC Act) & Additional Sessions Judge, Pune.

(f) Applicant shall not commit similar crime.

(g) Applicant shall not enter territorial jurisdiction of Pune City till conclusion of the trial, except for attending the trial.

11. Criminal Bail Application No. 4710 of 2024 is disposed of in the above terms.

(ASHWIN D. BHOBE, J.)