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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4798 OF 2024

Khanya @ Khansaheb Butya Pawar

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr. Aniket Nikam a/w Ms. Bhagyashri Mangale, Advocate for the Applicant.

Dr. Ashvini Takalkar, APP for Respondent/State.

Mr. V. B. Bharate, Karmala Police Thane.

CORAM : ASHWIN D. BHOBE, J.

DATE : 5th AUGUST, 2025.

P.C. :

1. Heard Mr. Aniket Nikam, learned Advocate for the Applicant and Dr. Ashvini Takalkar, learned APP for the Respondent-State.

2. By the present Application, Applicant is seeking bail in Crime No. 478 of 2019 registered with Karmala Police Station for the offences punishable under Sections 420, 395, 323, 506 of the Indian Penal Code (for short "IPC").

3. Mr. Aniket Nikam, submits that said crime is registered as RCC No.165 of 2024 and is pending before the Court of Additional Sessions Judge, Barshi.

4. There are 14 Accused in the present crime. Applicant is Accused No. 7. Applicant was arrested on 12th July, 2024 since then he is jail.

5. Mr. Aniket Nikam, learned Advocate for the Applicant, submits that the Applicant is seeking bail on the sole ground of parity. He

submits that Accused No.1, Accused No.2 and Accused No.3 are released on bail by the Additional Sessions Judge, Barshi. He tenders copies of the order dated 22nd November,2019, 12th December, 2019 and 24th December, 2019 passed in the Bail Applications filed by the said Accused, same are taken on record and marked 'X' colly for identification. He submits that the involvement of the Applicant in the said crime is similar and identical to the involvement of Accused Nos.1 to 3. He therefore submits that the Applicant is entitled to bail on the ground of parity.

6. Dr. Ashvini Takalkar, learned APP for the State, submits that the charge-sheet indicates the involvement of the Applicant (accused No.7) to be similar and identical to the involvement of Accused Nos.1, 2 & 3 in the said crime. She submits that the involvement of the Applicant being similar to the role of the Accused who are released on bail, the case of the Applicant can be considered on the ground of parity. She submits that till date charge is not framed in RCC No.165 of 2024. She submits that subsequent to the present crime, another offence was registered against the Applicant.

7. I have perused the records and the order dated 22nd November,2019, 12th December, 2019 and 24th December, 2019 passed in the Bail Applications filed by the Accused Nos. 1, 2 & 3 with the assistance of the Advocates of the parties.

8. Perusal of the charge-sheet reveals that the role assigned to the Applicant and the role assigned to the accused Nos.1, 2 & 3 in the said crime is similar and identical, as also submitted by Advocate Mr. Nikam and Ms. Takalkar. Sessions Court has granted bail to the Accused Nos. 1,2 & 3 on an identical set of facts. Applicant being similarly placed and

on the same footing as the Accused Nos.1,2 & 3, principle of parity would apply. The Applicant is therefore entitled to bail.

9. In view of the above, this Application is allowed on the following terms :-

(a) Applicant be released on bail in Crime No. 478 of 2019 registered with Karmala Police Station upon furnishing P.R. Bond in the sum of Rs. 25,000/-each with one or two sureties in the like amount, to the satisfaction of the Additional Sessions Judge, Barshi.

(b) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or any Police officer and should not tamper with evidence.

(c) Applicant upon release within 3 days shall furnish his residential addresses with proof and contact details to the Investigating Officer, Karmala Police Station, District Solapur.

(d) Applicant shall attend and regularly appear before the Additional Sessions Judge, Barshi in RCC Case No.165 of 2024 on each date of hearing unless exempted specifically by the Court.

10. Criminal Bail Application No. 4798 of 2024 is allowed in the above said terms.

(ASHWIN D. BHOBE, J.)