

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

BAIL APPLICATION NO. 4973 OF 2024

Ganesh Alias Sakshi Chandrakant Kale ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Narayan G. Rokade a/w Mr. Siddharth R. Ghodke,
Mr. Abhang Suryawanshi, Mr. Ramchandra Wagh,
Mr. Harishchandra Jadhav, Mr. Vikarant Kadam and Mr. Uday
Singh Deshmukh, Advocate for the Applicant.

Mr. C. D. Mali, A.P.P. for the Respondent – State.

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CORAM : N. R. BORKAR, J.

DATE : 12th MARCH, 2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.141 of 2024 registered at Bhadrakali Police Station, District : Nashik for the offences punishable under Sections 302, 120(b), 143, 144, 147, 148 and 149 of the Indian Penal Code (for short 'IPC') and Section 135 of the Maharashtra Police Act.
3. The deceased and co-accused Mohiniraj Alias Mayur Kadam were friends and were working as recovery agents for

one finance company. It is alleged that there was dispute between them on account of some financial transactions. It is alleged that the co-accused Mohiniraj thus entered into conspiracy with the present applicant and other co-accused to kill him. It is alleged that pursuant to said conspiracy on the date of incident, which took place on 17.05.2024, they took him to place of incident and assaulted him by iron rod etc. and committed his murder.

4. The bail is sought on the ground of parity. In support of the said submission, the learned counsel for the applicant has placed on record the order passed by the Sessions Court dated 30.09.2024 in Sessions Case No.236 of 2024. By said order, the Sessions Court has released the co-accused Chaitanya alias Chetan Kailash Soundane on bail.

5. The learned counsel for the applicant submits that the allegations against present applicant and the co-accused Chetan Soundane are similar. It is submitted that there are no other criminal antecedents against the present applicant.

6. On the other hand, the learned A.P.P. for the Respondent-State submits that the applicant is involved in

serious crime. It is submitted that during investigation, the prosecution has collected the CCTV footage wherein the present applicant and the co-accused Mohiniraj alias Mayur Suresh Kadam can be seen together. It is submitted that in the oral dying declaration the deceased has stated that he was assaulted by the co-accused Mohiniraj alias Mayur Suresh Kadam and his friends. It is submitted that considering the nature of offence, the applicant may not be released on bail.

7. Admittedly, the motive for alleged crime is not attributed to the present applicant. The applicant is in jail approximately for one year. The Sessions Court has already released the similarly circumstanced co-accused Chetan Kailash Soundane. Considering the overall facts and circumstances of the case and in absence of any other criminal antecedents, I am inclined to release the applicant on bail.

ORDER

- (i) Criminal Bail Application is allowed;
- (ii) The applicant is directed to be released on bail in connection with Crime No.141 of 2024 registered at Bhadrakali Police Station, District : Nashik for the offences punishable under Sections 302, 120(b), 143,

144, 147, 148 and 149 of the Indian Penal Code (for short 'IPC') and Section 135 of the Maharashtra Police Act on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(iii) The applicant shall not enter into the jurisdiction of Bhadrakali Police Station till conclusion of trial;

(iv) Application stands disposed of accordingly.

(N. R. BORKAR, J.)