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

**BAIL APPLICATION NO.5289 OF 2024**

Aniket Santosh Rokade ... Applicant

**V/s.**

State of Maharashtra ... Respondent

Mr. Piyush Chhabria a/w Mr. Pravin Kukreja for  
Applicant.

Mr. Mayur Sonavane, APP for State.

Mr. Ganesh Nhayade, P.I. Kolsewadi Police Station,  
Thane city.

**CORAM : AMIT BORKAR, J.**

**DATED : JUNE 25, 2025**

**P.C.:**

1. The present application is filed by the applicant under Section 483 of the *Bharatiya Nagarik Suraksha Sanhita, 2023*, seeking his release on bail in connection with Crime No. 768 of 2024 registered with Kolsewadi Police Station. The applicant is facing allegations for offences punishable under Sections 103(1), 189(2), 193(3), and 190 of the *Bharatiya Nyaya Sanhita, 2023*, Sections 37(1)(3) and 135 of the *Maharashtra Police Act*, and Sections 4 and 25 of the *Arms Act*.

2. As per the case of the prosecution, on 1st July 2024 at around 6:00 p.m., some unknown persons committed the murder of one Sandip by assaulting him with a chopper and other sharp weapons. The deceased suffered multiple injuries on vital parts of

his body like the head, shoulder, back, and stomach. Based on a complaint lodged by a friend of the deceased, the present crime came to be registered. During the course of investigation, the names of the present applicant and the co-accused were revealed as persons allegedly involved in the offence.

3. Learned Advocate Mr. Piyush Chhabria, appearing on behalf of the applicant, has drawn my attention to the bail order dated 8th April 2025 passed by the learned Sessions Judge, whereby the co-accused Arjun @ Pendya Gajanan Kalpande has been granted bail. It is submitted that the alleged role of assault attributed to the present applicant is similar and joint with that of the said co-accused, namely that both assaulted the deceased on his head and shoulder using sharp weapons. It is further pointed out that the prosecution has not brought on record any material distinguishing the individual role of the applicant by conducting Test Identification Parade or by recording specific statements of eye-witnesses. Hence, learned Advocate prays that on the ground of parity and absence of specific attribution, the applicant be enlarged on bail.

4. On the other hand, learned APP Mr. Mayur Sonavane, appearing for the State, opposed the application. He submitted that the investigation reveals that both the applicant and co-accused participated jointly in the fatal assault, and the stage of investigation is such that a specific individual role cannot yet be conclusively attributed. It is contended that the seriousness of the offence and gravity of allegations should be considered, and therefore, the applicant is not entitled to be released on bail at this

stage.

5. After going through the charge-sheet and other documents placed on record, this Court finds that the present case is a glaring example of a careless and half-hearted investigation conducted by the Investigating Officer. Despite the fact that the offence involves the serious charge of murder and the loss of a human life, the basic principles and steps of a proper criminal investigation appear to have been grossly neglected. The First Information Report contains a detailed narration of the brutal assault; however, the investigation does not clearly identify the persons who actually assaulted the deceased. There is no Test Identification Parade (T.I. Parade), no recovery of the weapon at the instance of the accused, and no reliable statement of eyewitnesses pinpointing the specific role of the applicant. The entire investigation, at this stage, appears to be perfunctory and casual, which only adds to the misfortune of the victim. In such circumstances, where the prosecution has failed to prima facie establish the applicant's distinct role in the crime, continued custody of the applicant would not serve any useful purpose.

6. It is further noticed that the co-accused, who is alleged to have played a similar or joint role in the incident, has already been released on bail by the learned Sessions Court. It is specifically observed in the Sessions Court's order that none of the witnesses have named the said co-accused in their statements. The same is the case with the present applicant. No witness has specifically named him as one of the assailants. Moreover, when the co-accused with a joint role is already enlarged on bail, the principle

of parity will apply and the applicant also deserves to be treated similarly. Therefore, in the absence of any specific overt act being attributed to the applicant and considering the poor quality of investigation so far, I am of the view that a case is made out for grant of bail to the applicant.

**ORDER**

(a) The application is allowed.

(b) The applicant is directed to be released on bail in connection with C.R. No.768 of 2024 registered with Kolsewadi Police Station, for offences punishable under Sections 103(1), 189(2), 193(3), 190 of Bharatiya Nyaya Sanhita, 2023 on his executing P.R. Bond of ₹25,000/- (Rupees Twenty-Five Thousand Only) with one or more sureties in the like amount.

(c) The applicant shall not tamper with the evidence or attempt to influence any witness.

(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.

7. Copy of this Order be sent to Commissioner of Police, Thane City.

**(AMIT BORKAR, J.)**