

Nikita

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

BAIL APPLICATION NO.5453 OF 2024

Mayur @ Mohiniraj Suresh Kadam ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Amit Pradhan, for the Applicant.

Mr. A. A. Palkar, APP for the State.

Mr. Vasant Pawar, API, Bhadrakali Police Station,
Nashik.

CORAM : ASHWIN D. BHOBE, J.

DATED : 11th JUNE, 2025

P.C.:

1. Heard Mr. Amit Pradhan, learned Advocate for the Applicant and Mr. A.A. Palkar, learned APP for the State.
2. By the present application, Applicant is seeking bail in connection with C. R. No.141 of 2024 registered with Bhadrakali Police Station, Nashik, Dist. Nashik for the offences punishable under Sections 302, 120(B), 143, 144, 147, 148, 149 of the I.P.C. and Section 37(1)(A) read with 135 of the Bombay Police Act.
3. Case of the prosecution is that on 17.04.2024, the deceased was assaulted by the Applicant (Accused No.1) and other persons who are Accused Nos.2 to 5 in the said C. R. No.141 of 2024. Assault on the deceased was on account of dispute pertaining to

repairs of Motor Cycles and some financial transaction. Applicant is alleged to have conspired in the said crime along with the other four accused to commit the crime.

4. The Applicant was arrested on 24.04.2024 and is in jail since then.

5. Bail Application filed by the Applicant in Sessions Case No.236 of 2024 was rejected by the learned Additional Sessions Judge-7 Nashik, on 22.10.2024.

6. Mr. Pradhan, learned Advocate for the Applicant submits that the incident as alleged occurred at the spur of the moment. He submits that other Accused Nos. 2 to 5, some of whom are also attributed the same role as that of the Applicant, have been released on bail by this Court as well as by the learned Trial Court. He places reliance on the order dated 12.03.2025 passed by this Court in Criminal Bail Application No.4973 of 2024 by which, Accused No.3 is released on bail. The copy of the order (four pages) in Bail Application No.4973 of 2024 is taken on record and marked as "X" for identification. Mr. Pradhan, submits that the allegations against the Applicant in the said crime is of assaulting the deceased by way of wooden log, whereas the allegations against the Accused No.3 (Applicant in Bail Application No.4973 of 2024) is of use of iron rod. He submits that the Accused No.3 being enlarged on bail, the Applicant would be entitled to parity. He submits that the Accused Nos. 2, 4 and 5 are also released on bail by the learned Trial Court. He submits that the Applicant does not have any criminal antecedents. He submits that Applicant is a

permanent resident of the Nashik District. The present bail application is sought on the ground of parity. In support of the said submissions of Mr. Pradhan, Mr. Pradhan relies on the order dated 12.03.2025, passed in Criminal Bail Application No.4973 of 2024, and the orders dated 09.09.2024, 30.09.2024 passed by the learned Additional Sessions Judge-6 in Sessions Case No.236 of 2024 in respect of the Accused Nos. 2, 4 and 5. The said orders are placed on record at page No. 102 to 110 of the paper book. Mr. Pradhan states that, if the Applicant is released on bail, he has instructions on behalf of the Applicant to state that till the conclusion of trial, except for attending the Court hearing in Sessions Case No.236 of 2024, the Applicant shall not enter the jurisdiction of the Bhadrakali Police Station.

7. Mr. A. A. Palkar, learned APP for the State, submits that the offence is serious. He submits that the Applicant is the mastermind of this crime and he is the main accused in the present crime. He submits that the Applicant had a motive in assaulting the deceased. He submits that there is sufficient evidence to indicate the presence of the Applicant at the scene of the incident along with the other accused. He does not dispute the fact that the Accused Nos. 2 to 5 in the said crime, are released on bail. He further does not dispute the allegations against the Applicant and the allegations against Mr. Ganesh Chandrakant Kale (Accused No.3 in the crime) are similar.

8. I have perused the records placed before me, with the able assistance of the learned Advocates for both the parties.

9. Records placed in the present application indicate that the involvement and the role of the Applicant herein and the other co-accused No.3 (Mr. Ganesh Kale) in the said crime are similar. Accused No.3 in the said crime is released on bail by this Court on similar allegations and circumstances. Applicant is in jail since 24.04.2024. Considering the aforesaid facts and circumstances, Mr. Pradhan would be right in praying for grant of bail for the Applicant, on the principle of parity.

10. Learned APP states that the records of the investigation do not indicate the Applicant having any criminal antecedents.

11. In view of the above, and in the facts and circumstances of the present case, I am inclined to release the Applicant on bail, on bail on the following conditions:

a) Applicant is directed to be released on bail in connection with C. R. No.141 of 2024 registered with Bhadrakali Police Station, Nashik, Dist. Nashik for the offences punishable under Sections 302, 120(B), 143, 144, 147, 148, 149 of the I. P. C. and Section 37(1)(A) read with 135 of the Bombay Police Act., on his furnishing PR Bond in the sum of Rs.25,000/- with one or two sureties in the like amount, to the satisfaction of the learned Additional Sessions Judge, Nashik.

b) Applicant shall not interfere or influence any of the witnesses or tamper with the Evidence.

c) Applicant shall not enter the jurisdiction of the Bhadrakali Police Station till the conclusion of trial, except

for attending the hearing in Sessions Case No.236 of 2024.

12. The Bail Application No.5453 of 2024 is disposed off.

(ASHWIN D. BHOBE. J.)