

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

CRIMINAL BAIL APPLICATION NO. 35 OF 2025

Mahendra @ Ganpat Rajesh Shirsath ... Applicant.

Vs.

The State of Maharashtra ... Respondent.

Mr. Mandar M. Goswami a/w. Mr. Siddhant Choudhari, Advocate
for the Applicant.

Mr. P.H. Gaikwad, APP for Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 7th JULY, 2025.

P.C. :

1. Heard Mr. Mandar Goswami, learned Advocate for the
Applicant and Mr. Gaikwad, 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. 242 of 2023
registered at Ambad Police Station for the offences punishable
under Section 307, 109, 114, 120B, 201, 385 of the Indian Penal
Code, Section 3(1)/25 of the Arms Act, Section 7 of the Criminal
Amendment Act and Section 142 of the Maharashtra Police act and
under Section 3(1)(ii), 3(2), 3(4) and 3(5) of the MCOC Act. Said
crime is now registered as Sessions Case No. 260 of 2023 and is
pending before the learned Additional Sessions Judge-2, Nashik.

3. Applicant was arrested on 23rd April 2023 and since then he is in jail. Applicant is Accused No. 14. Bail Application at Exh. 23 in Sessions Case No. 260 of 2023 filed by the Applicant was rejected by the learned Additional Sessions Judge-2, Nashik.

4. Mr. Goswami, learned Advocate for the Applicant submits that Applicant is seeking bail on the ground of parity. He submits that Kishor Baburao Wakode (Accused No.7) who was alleged to be following the victim in a rickshaw on the date of incident has been released on bail by order dated 27th November, 2024 in Criminal Bail Application No. 1859 of 2024(page 2090). He submits that Rahul A. Gupta (Accused No. 8) who is also alleged to have been following the victim in a Skoda on the date of incident has been released on bail by order dated 21st March, 2025 in Criminal Bail Application No. 2581 of 2024. He tenders the order dated 21st March, 2025 passed on Bail Application No. 2581 of 2024, the same is taken on record and marked “X” for identification. He submits that the involvement of the Applicant is that of providing information about location and whereabouts of the victim on the date of incident. He therefore, submits that the Accused No. 7 and Accused No. 8 having been released on bail by this Court and the allegation as far as the involvement of the Applicant and the other two Accused in the present crime being similar, the Applicant would be entitled to bail on the ground of parity.

5. Mr. Gaikwad, learned APP for the State submits that in addition to the involvement of the Applicant in providing location details of the Victim, there are WhatsApp chats exchanged between the Applicant and gang leader as also statements of the witness who has stated that in the year 2022, the Applicant had indicated having enmity with the victim. He submits that the Applicant has criminal antecedents.

6. Perused the records with the assistance of the learned Advocates.

7. Perusal of the charge and more particularly, page No. 70 to 75 wherein involvement of the Accused No. 7, Accused No. 8 and Accused No. 14 are referred to. Accused No. 7 had 9 antecedents, whereas Accused No. 8 had 3 antecedents as referred to at page 73 of this paper book. This Court after considering the involvement and allegations against the Accused Nos. 7 and 8, released the said Accused on bail. Mr. Goswami, learned Advocate for Applicant submitted that the role of the Applicant in the said Crime is similar to the role alleged as against the Accused Nos. 7 and 8. Mr. Goswami submits that these contentions are borne out from pages 70 to 75. Applicant is said to have antecedents. Accused Nos. 7 and 8 also had antecedents. In view of the Applicant being similarly situated like that of Accused Nos. 7 and 8, Applicant is entitled to bail on the principle of parity.

8. This Bail Application is therefore, allowed on the following conditions :

- (i) Applicant be released on bail in Crime No.242 of 2023, registered with Ambad Police Station, Nashik for the offences punishable under Sections 307, 109, 114, 120(B), 201 and 385 of the Indian Penal Code, 1860 (for short, IPC), Sections, 3(1) and 25 of the Arms Act, Section 142 of the Maharashtra Police Act, Section 3(1) (ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crimes Act, 1999 and Section 7 of the Criminal Amendment Act, on furnishing P.R.Bond of Rs. 25,000/- (Rupees Twenty-Five Thousand) with one solvent surety in the like amount to the satisfaction of the Additional Sessions Judge-2, Nashik.
- ii) Applicant shall not enter into territorial jurisdiction of Nashik District, till the conclusion of the trial;
- iii) Applicant shall provide his address and name of the nearby police station to the IO, which he shall attend the said Police Station on 1st day of every month between 10.00 a.m. to 11.00 a.m., till the conclusion of the trial except on the date of trial;
- iv) 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;

- v) Liberty is granted to the State to apply for cancellation of bail in case of any breach of condition or if the applicant commits similar offence;
- vi) Applicant shall attend the trial in Sessions Case No. 260 of 2023 pending before learned Additional Sessions Judge-2, Nashik regularly on every date unless exemption is granted by the learned Additional Sessions Judge-2, Nashik.

9. Bail Application No. 35 of 2025 is disposed of.

(ASHWIN D. BHOBE, J.)