

Nikita

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

BAIL APPLICATION NO.43 OF 2025

NIKITA
KAILAS
DARADE
ADVOCATE
FOR THE
APPLICANT
PHONE: 98211 47 10
21-28-11 4458

Anil Dashrath Pithekar @ Ginya ... Applicant

V/s.

The State of Maharashtra ... Respondent

Ms. Juhi Kadu i/b Mr. Aniket Vagal for the Applicant.

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

CORAM : ASHWIN D. BHOBE, J.

DATED : 25th JULY, 2025

P.C.:

1. Heard Ms. Juhi Kadu, learned Advocate for the Applicant and Mr. A. A. Palkar, learned APP for the State.
2. By the present application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, Applicant is seeking bail in connection with C. R. No.231 of 2021 registered with Ambad Police Station, Nashik for the offences punishable under Sections 302, 141, 143, 147, 148, 149, 269, 270 of Indian Penal Code, 1860. Said crime is registered as Sessions Case No.403 of 2021 and is pending before the Court of the Additional Sessions Judge, Nashik.
3. There are 6 Accused in the present crime. Applicant is Accused No.3.

4. Case of the prosecution is that Prasad Bhalerao (deceased) had an altercation with the Accused in the present crime. Said altercation turned violent and resulted in the Prasad Bhalerao being assaulted by the Accused with fist, blows, tiles, stones and iron chair.

5. Applicant was arrested on 29.07.2021, since then he is in jail. Bail Application filed by the Applicant at Exhibit-3 in the Sessions Case No.403 of 2021 was rejected by the Additional Sessions Judge, Nashik on 16.10.2024.

6. Ms. Juhi Kadu, learned Advocate for the Applicant submits that the Applicant is seeking bail on the ground of parity. She submits that the involvement of the Applicant in the above said crime is of assault on Prasad Bhalerao, with tile. Role assigned to Sandip Gaikwad (Accused No.5) in the said crime is of assaulting Prasad with iron chair. Accused No.5 was released on bail by this Court on 29.02.2024 in Criminal Bail Application No.2998 of 2023 (order at Page No.323 to 327 of the paper book). She submits that the involvement and the allegations against the Applicant is similar, as a matter of fact, lesser than the involvement of Accused No.5, who has been released on bail. She therefore submits that the Applicant would be entitled to bail on the ground of parity.

7. Mr. A. A. Palkar, learned APP for the State submits that the involvement of the Applicant as also the Accused No.5 in the said crime is almost similar. He submits that the case of the Applicant can be considered on the ground of parity in vive of the order passed in Bail Application No.2998 of 2023.

8. I have perused the record and order dated 29.02.2024 passed in Bail Application No.2998 of 2023, with the assistance of learned Advocates for the parties.

9. As submitted by both the parties and on perusal of the charge-sheet, the role assigned to Applicant is of assault on Prasad Bhalerao, which is similar to and the role as assigned to Accused No.5 in the said crime. Accused No.5 is released on bail. Involvement of the Applicant in the crime being similar to the involvement of Accused No.5, Applicant is entitled to bail on the principle of parity.

10. Ms. Juhi Kadu states that though the crime was registered on 29.07.2021, till date charge is not framed in Sessions Case No.403 of 2021.

11. In view of the above and considering the fact that the Accused No.5 is released on bail in identical situation this application is allowed.

12. In view of the above, the present Bail Application is allowed, on the following conditions:

a) Applicant be released on bail in connection with C. R. No.231 of 2021 registered with the Ambad Police Station, Nashik, District Nashik on his furnishing P. R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount to the satisfaction of Additional Sessions Judge, Nashik.

b) On being released on bail, the Applicant shall furnish

his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(c) Applicant shall report to the Ambad Police Station, Nashik, District Nashik on every Sunday between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial in Sessions Case No.403 of 2021.

(d) 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 to any Police personnel.

(e) Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any prosecution witness in any manner.

(f) Applicant shall attend the trial regularly. Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

g) Applicant shall surrender his passport, if any, to the Investigating Officer.

13. The Bail Application No.43 of 2025 is allowed in the above said terms.

(ASHWIN D. BHOBE. J.)