

Nikita

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

BAIL APPLICATION NO.91 OF 2025

Nilesh Uttam Wayal

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Irfan A. Shaikh for the Applicant.

Mr. V. N. Sagare, APP for the State.

Ms. Sonal Padwal, API, Niphad Police Station.

CORAM : ASHWIN D. BHOBE, J.

DATED : 9th JULY, 2025

P.C.:

1. Heard Mr. Irfan A. Shaikh, learned Advocate for the Applicant and Mr. V. N. Sagare, learned APP for the State.
2. By the present application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, Applicant is seeking bail in connection with C. R. No. 158 of 2019 registered with Niphad Police Station, Nashik for the offences punishable under Sections 302, 201 read with 34 of the Indian Penal Code, 1860. Said crime is now registered as Sessions Case No.117 of 2019. There are three Accused in the crime. Applicant is Accused No.2. One of the Accused is juvenile in conflict with law.
3. Case of the prosecution is that Sanjay Shevale (deceased) was abusing and troubling the mother of the Saurabh Dhage

(Accused No.1). Accused No.1 was enraged with the said behavior of Sanjay Shevale, therefore with the assistance of other Accused, assaulted Sanjay Shevale resulting in his death. The body of the deceased was thereafter burned.

4. Applicant was arrested on 18.06.2019, since then he is in jail. Bail Application at Exhibit-18 filed by the Applicant in Sessions Case No.117 of 2019 was rejected on 07.09.2023.

5. Mr. Irfan A. Shaikh, learned Advocate for the Applicant, submits that the Applicant is seeking bail on two grounds, viz long incarceration of the Applicant resulting in denial of speedy trial and on the ground of parity. He submits that Accused No.1 who is the assailant / main Accused who is alleged to have used a sickle to assault the deceased, has been released on bail by this Court by order dated 04.08.2022 passed in Bail Application No.1859 of 2021 (order at page No.45 of the paper book). He submits that involvement of the Applicant as alleged in the present crime is similar, to that of the Accused No.1. He submits that as a matter of fact, role assigned to the Applicant is lesser than the role of the Accused No.1 in the said crime. He, therefore, submits that Applicant would be entitled to bail on the ground of parity. He submits that the Applicant is in jail since 18.06.2019. Trial is proceedings at a very slow pace. He submits that as on date out of 52 prosecution witnesses, only 15 witnesses have been examined. He submits that the trial is likely to be prolonged.

6. Mr. V. N. Sagare learned APP for the State, submits that the Applicant is in jail since June 2019. He submits that the

involvement of the Applicant is similar to the involvement of the Accused No.1 in the present crime.

7. I have perused the records with the able assistance of the learned Advocate for the parties.

8. Perusal of the charge-sheet reveals that the Accused No.1 is alleged to have assaulted the deceased by use of sickle. Applicant herein is alleged to have assisted the Accused No.1 in disposal of the body. Thus, the role of the Applicant in the said crime is lesser than the role assigned to Accused No.1. This Court on the said facts, has released the Accused No.1 on bail.

9. Applicant is in jail for a period of six years and one month. Trial is progressing at a slow pace. Prosecution has listed 56 witnesses out of which 15 have been examined till date. Mr. Irfan A. Shaikh would be justified in his submission that the Trial is likely to prolonged.

10. In such circumstances, Applicant would be justified in pressing his right to speedy trial. Applicant cannot continue to be incarcerated as an under trial, indefinitely. Case of the Applicant can be considered on ground of his long incarceration.

11. Applicant is also entitled to benefit of principle of parity, considering the role assigned to the Applicant qua the role assigned to the Accused No.1 in the said crime.

12. In view of the above, the Applicant is entitled to bail, on the following conditions:

a) Applicant is directed to be released on bail in

connection with C. R. No. 158 of 2019 registered with Niphad Police Station, Nashik 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 Additional Sessions Judge Niphad.

b) Applicant shall attend and regularly appear before the Additional Sessions Judge, Niphad in Sessions Case No.117 of 2019 on each date of hearing, unless specifically exempted by the Court.

c) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him from disclosing the facts to the Court or any police officer and shall not tamper with evidence.

d) Applicant upon his release, within 3 days shall furnish to the Investigation Officer, Niphad Police Station, Nashik his residential address with proof and the contact number and to keep the Investigation Officer intimated about the change in the same from time to time.

13. The Bail Application No.91 of 2025 is allowed in the above said terms.

(ASHWIN D. BHOBE. J.)

Note:- This order is modified as per speaking to the minutes of the order dated 14th July, 2025.