

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

CRIMINAL BAIL APPLICATION NO. 95 OF 2025

Mohammad Monish Israr Shaikh ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Harshwardhan Suryawanshi a/w Ms. Reena Prajapati h/f Mr. Abhishek B. Palve, learned Advocates for the Applicant.

Mr. Tanveer G. Khan, learned A.P.P. for the State/Respondent.

API Mr. S. B. Babar attached to Chikhali Police Station, Pimpri-Chinchwad is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 25th AUGUST 2025.

P.C. :

1. Heard Mr. Harshwardhan Suryawanshi, learned Advocate for the Applicant and Mr. Tanveer Khan, learned A.P.P. for the State/Respondent.

2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**” for short), the Applicant is before this Court seeking regular bail in connection with Crime No. 385 of 2021 registered with Chikhali Police Station, Pimpri-Chinchwad, District-Pune for the offences punishable under Sections 302, 396, 347, 452 & 120(B) read with 34 of the Indian Penal Code, 1860 (“**IPC**” for short).

3. Mr. Harshwardhan Suryawanshi, learned Advocate for the

Applicant submits that the abovesaid crime is registered as Sessions Case No. 1149 of 2022 and is pending before the Court of Additional Sessions Judge, Pune.

4. There are 7 accused persons in the present crime. Applicant is Accused No. 1.

5. Case of the prosecution is based on circumstantial evidence. Applicant and Wasibkhan @ Tonu Rais Khan (Accused No. 2) are stated to be the main persons involved in the crime. It is alleged that the Applicant and Accused No. 2 have been identified. It is further alleged by the First Informant that the deceased was found lying on the floor. Her hands and legs were tied with nylon rope. It is alleged that the accused persons in the present crime had committed murder and stolen gold ornaments.

6. Applicant was arrested on 2nd July 2022. Criminal Bail Application at Exhibit-22 filed by the Applicant in Sessions Case No. 1149 of 2022, was rejected by the learned Additional Sessions Judge, Pune by order dated 27th November 2024.

7. Mr. Harshwardhan Suryawanshi, learned Advocate for the Applicant submits that the Applicant is seeking bail on the ground of parity. He submits that the involvement of Applicant and Accused No. 2 in Crime No. 385 of 2021 is similar and identical. He submits that Accused No. 2 on identical facts has been released on bail by this Court vide order dated 25th February 2025 passed in Criminal Bail Application No. 5032 of 2024. He submits that Accused Nos. 3 & 4 in the said crime are also released on bail by this Court vide order dated 12th November 2024 passed in Criminal

Bail Application No. 4110 of 2024 and order dated 29th August 2023 passed in Criminal Bail Application No. 266 of 2023, respectively. He tenders copies of aforesaid three orders, which are taken on record and marked as "X Colly." for identification. He points out to paragraph no. 5 of the order dated 25th February 2025, wherein the involvement of Applicant and Accused No. 2 being similar, has been referred to. He also submits that though the Sessions Case is of the year 2022, till date charge is not framed in the matter. He seeks bail on the ground of parity.

8. Mr. Tanveer Khan, learned A.P.P. for the State/Respondent does not dispute the involvement of the Applicant and Accused No. 2 in the crime to be similar and identical. He submits that delay in framing of charge is attributable to the accused persons in the said crime, as one or the other accused staying away thereby leading in adjournments and non-framing of charge.

9. I have perused the records and the orders (X Colly.) produced by learned Advocate for the Applicant, with the assistance of learned Advocates of the parties.

10. Perusal of the records indicate that the Applicant and Accused No. 2 are the main persons involved in the present crime. Recoveries of gold ornaments are made at the instance of Applicant as well as Accused No. 2. As the role assigned to the Applicant being similar to the role assigned to Accused No. 2, Mr. Harshwardhan Suryawanshi, learned Advocate for the Applicant would be justified in pressing the bail on the ground of parity. Hence, the Applicant is entitled to bail on the principle of parity.

11. Till date charge is not framed in Sessions Case No. 1149 of 2022.

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

- a. Applicant is directed to be released on bail in connection with Crime No. 385 of 2021 registered with Chikhali Police Station, Pimpri-Chinchwad, District-Pune for the offences punishable under Sections 302, 396, 347, 452 & 120(B) read with 34 of the IPC on executing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge, Pune.
- b. Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of accusation, so as to dissuade such a person from disclosing the facts to the Court or to any police personnel.
- c. Applicant shall not tamper with the prosecution evidence and shall not contact or influence any witness in any manner.
- d. Applicant upon his release from jail, within a period of three days from his release, shall furnish his cell phone number and residential address with proof to the Investigating Officer, Chikhali Police Station, Pimpri-

Chinchwad, District-Pune and shall keep the same updated, in case of any change thereto.

- e. Applicant shall co-operate in the conduct of the trial and shall regularly attend the hearing of Sessions Case No. 1149 of 2022, pending on the file of Additional Sessions Judge, Pune, on each and every date, unless exempted from appearance.
- f. Applicant shall report/attend before the Investigating Officer, Chikhali Police Station, Pimpri-Chinchwad, District-Pune on 1st & 16th day of every month from 10.00 a.m. to 11.00 a.m. till conclusion of the trial except on the date of trial.

13. Criminal Bail Application No. 95 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

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