

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.151 OF 2025**

Anil Raghunath Waghmare

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Sushil Upadhyay, *with Ritesh Dubey, i/b Vivek Mishra, for the Applicant.*

Ms Poonam P Bhosale, *APP for the Respondent-State.*

Mr Bajrang Desai, *PSI attached to Samata Nagar Police Station, present.*

CORAM DR. NEELA GOKHALE, J.

DATED: 17TH NOVEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with FIR No. 20 of 2018 dated 7th January 2018 registered with the Samata Nagar Police Station, Mumbai for the offences punishable under Sections 302, 120(B), 216, 201 read with Section 34 of the Indian Penal Code, 1860 (for short IPC) and under Sections 37(1)

(a), 135 of the Mumbai Police Act and under Sections 4 and 25 of the Indian Arms Act.

2. The facts of the case, in brief, are that:-

2.1 That on 7th January 2018 at about 22.50 pm, the Informant- Vinod Sonawane along with Ashok Sawant (Deceased), after having dinner, were proceeding to their house, on an Aactiva motor-cycle of the Informant. When they reached near Gokul Heaven Building, Thakur Complex, Kandivali, Mumbai, the Accused Nos.1, 2 and another Co-accused, a juvenile in conflict with law, in conspiracy with the Applicant and other Accused to commit murder of Ashok Sawant, came in an auto-rickshaw and caught the deceased and kicked his motor-cycle. Thereafter, they assaulted the deceased by a chopper on his neck, stomach and other parts of the body. It is alleged that the Accused Nos.1 and 2 threw their mobile phones in the Vasai Khadi Pool so as to destroy the evidence. The Accused were arrested pursuant to an FIR registered against them on the basis of a report lodged by the

Informant. Accused No.1-Jagdish Pawar and Accused No.2-Abhishek Mane were arrested and during the course of the investigation, the Applicant was also arrested on 12th January 2018.

3. The Applicant filed an application seeking bail before the Sessions Court, Borivali Division, Dindoshi, Mumbai. However, by an order dated 13th November 2024, his bail application was rejected. Hence, the Applicant is before this Court for the reliefs as prayed.

4. At the very outset, Mr. Sushil Upadhyay, learned counsel appearing for the Applicant, has brought to my attention orders granting bail to five of the Co-accused, except in the case of the Accused No.1. One Accused is released on bail by the order dated 2nd July 2024 passed by the Supreme Court. The Supreme Court enlarged co-accused Ganesh Jogdand on bail, taking note of the fact that he was in jail for more than 6 years as an under-trial prisoner and the trial is not likely to conclude in a near future. Hence, Mr. Upadhyay submits that

applying the principle of parity, the Applicant be also released on bail.

5. Per contra, Ms. Poonam Bhosale, learned APP representing the State in the matter, contested the Bail Application by saying that the role attributed to the Applicant is not similar to that of the Co-accused, who are enlarged on bail, hence, the principle of parity will not apply to the Applicant; the Applicant is one of the main accused, who was in constant communication with the other Co-accused and they were all hatching the conspiracy to murder the deceased. She further submits that the offence is serious; the trial has already commenced and 2 witnesses have already been examined however, she is not able to say at this stage as to how many other witnesses, the prosecution intends to examine.

6. Mr. Upadhyay, learned counsel, submits that list of witnesses submitted in the trial court, indicates that the prosecution intends to examine 109 witnesses.

7. I have heard learned counsel appearing for the parties and perused the record with their assistance.

8. Considering that 5 Co-accused are already granted bail- 3 Co-accused by this Court; 1 Co-accused by the Supreme Court and 1 Co-accused by the Sessions Court, Dindoshi, Mumbai and the role attributed to the Applicant is identical to the role attributed to Accused No.7-Deepak Hanwate, the principle of parity will apply.

9. Considering further that one of the main Accused, namely, Abhishek Mane, who is alleged to have used the chopper to murder the deceased, is enlarged on bail by the Additional Sessions Judge, Borivali Division, Dindoshi, by its order dated 29th September 2022; similarly, the Supreme Court by its order dated 2nd July 2024, taking note of the facts that the Applicant therein, i.e., Ganesh Jogdand, was incarcerated for a period of more 6 years as an under-trial prisoner and that one witness has been examined, yet enlarged the said Applicant on bail by imposing some

conditions. Thus, considering that 5 Accused out of 7 are already enlarged on bail, save and except the Accused No.1, who is the main accused having committed the offence, I am inclined to apply the principle of parity to the Applicant. Hence, the Applicant is also enlarged on bail on the terms and conditions and it is ordered as under:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall not enter the jurisdiction of Samata Nagar Police Police, Mumbai save and except for the purpose of attending Court proceedings, till conclusion of the trial;
- iii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iv) If the Applicant has not deposited his passport, the Applicant shall deposit the same with the concerned Police Station, if any;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and mobile number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

10. Application is allowed in the above terms and is accordingly disposed of.

11. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)

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signed by
SHAMBHAVI
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SHIVGAN
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