

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 224 OF 2025

Balu Jagannath Waghmode

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Ms. Pushpa Ganediwala a/w Mr. Udaysinh Deshmukh, Mr. Onkar Bajaj and Mr. Anshu Agrawal, for the Applicant.

Ms. Poonam P. Bhosale, APP, for the Respondent – State.

Mr. Amol Ghodke, PSI, LoniKalbhor Police Station, Pune City – Present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 28th FEBRUARY, 2025.

P.C. :

1. By this application, the Applicant is seeking regular bail in C.R. No.571 of 2021 registered with Loni Kalbhor Police Station, Pune, for the offences punishable under Sections 302, 307, 201, 120-B read with Section 34 of the Indian Penal Code, 1860 (for short “IPC”), Section 37(1) read with Section 135 of Maharashtra Police Act, 1951, Sections 3(25) and 5(27) of the Arms Act, 1959, Sections 3 & 7 of Criminal Law Amendment Act, 2013 and Section 3(1)(i),

3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999.

2. It is prosecution's case that the deceased was murdered by co-accused Nos.1 to 3. It is alleged that the the pistol used in the crime was sold by the Applicant.

3. It is contention of learned counsel for the Applicant that Applicant is entitled for bail on ground of principle of parity. The accused who had purchased the pistol from the co-accused i.e. Abhijeet Yadav, has been released on bail by this Court (Coram: Anil Killore, J.) by order dated 20th June, 2024. The Accused No.8 who is the main conspirator has also been released on bail. Learned counsel further submitted that name of the Applicant is not mentioned in the FIR. The Applicant is behind bar around three years and four months. Hence, requested to allow the application.

4. Learned APP strongly objected to allow the application on the ground that the pistol used in the crime was provided by the Applicant. Additionally, the Applicant has eight antecedents, and if he released on bail, he may threaten the prosecution witnesses and requested to reject the application.

5. I have heard both learned counsel. Perused charge sheet.

6. The allegations against the Applicant are that he sold the pistol to co-accused Abhijeet, which was used in the crime. The Abhijeet has been released on bail by this Court, the name of the Applicant was not mentioned in the FIR. The Applicant is behind bar more than three years and four months.

7. Considering these facts, the Applicant is entitled for bail on principle parity and I pass following order:-

ORDER

- i. The Application is allowed.
- ii. It The Applicant be released on bail in Crime No.571 of 2021 registered with Loni Kalbhor Police Station, District Pune, on executing P. R. Bond of Rupees Twenty Five Thousand with one or two solvent surety in the like amount;
- iii. The 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;
- iv. The Applicant shall attend the concerned police station as and when required.

8. The application is allowed in the aforesaid terms and is accordingly disposed of.

9. All the concerned to act on the authenticated copy of this Order.

(SHIVKUMAR DIGE, J.)