

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

CRIMINAL BAIL APPLICATION NO. 312 OF 2025

Om Santosh Misal ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Niranjan Bhavake a/w Mr. Sushant Tayade, Ms. Drishti Madhani, Mr. Anurag Ramekar & Ms. Vaishnavi Chore i/b Mr. Abhijit Khandagle Deshmukh, learned Advocate for the Applicant.

Mr. Dinesh J. Haldankar a/w Ms. Shilpa G. Talhar, learned A.P.P. for the State/Respondent.

WAPI Ms. S. B. Patil attached to Indapur Police Station, Pune Rural is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 11th DECEMBER 2025.

P.C. :

1. Heard Mr. Niranjan Bhavake, learned Advocate for the Applicant and Mr. Dinesh Haldankar, 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. 436 of 2024, registered with Indapur Police Station, District-Pune for the offences punishable under Sections 307, 324, 143, 147, 148, 149, 504 & 506 of the Indian Penal Code Act, 1860 (“**IPC**” for short) and Section 3(25) of the Indian Arms Act, 1959. Crime No. 436 of 2024 is now registered as Sessions

Case No. 453 of 2025 and is pending on the file of Additional Sessions Judge, Indapur.

3. There are 6 accused persons in the present crime. Applicant is Accused No. 3 in Crime No. 436 of 2024.

4. Applicant was arrested on 5th June 2024, since then he is in jail. Criminal Bail Application at Exhibit-4 filed by the Applicant in Sessions Case No. 177 of 2024, was rejected by the learned Additional Sessions Judge, Baramati by order dated 21st November 2024.

5. Mr. Niranjana Bhavake, learned Advocate for the Applicant submits that Goga @ Santosh Kaluram Misal, one of the accused (Accused No. 2) having similar and identical role in Crime No. 436 of 2024, like the role of the Applicant, was released on Anticipatory bail by the Additional Sessions Judge, Baramati, District-Pune vide order dated 17th October 2024, passed in Criminal Bail Application No. 1078 of 2024 (Page No. 106).

6. Mr. Niranjana Bhavake, learned Advocate for the Applicant has taken me through the First Information Report (page 22 of the paper-book) and the statement of witnesses (pages 88 and 92 of the paper-book) recorded by the Investigating Officer to support his contention that the allegations made against the Applicant, are similar to the allegations made against Goga Misal (Accused No. 2). He, therefore, submits that the Applicant whose involvement in the crime is similar to Goga Misal, Applicant would be entitled to bail on the ground of parity.

7. Mr. Dinesh Haldankar, learned A.P.P. for the State/Respondent submits that the offence charged against the Applicant is a serious offence. He submits that the Applicant has a criminal antecedent in respect of the offence punishable under Sections 326 & 354 of the Indian Penal Code, 1860. He submits that the involvement of Applicant and Goga Misal in the present crime, is similar. He submits that Pankaj Misal is the accused, who is alleged to have shown a pistol in the said crime.

8. I have perused the records with the assistance of learned Advocates for the parties.

9. Perusal of the charge-sheet reveals that the witnesses viz. Sanjay Khandu Bhong, Ramdas Tukaram Aadling and Devidas Sudhakar Aadling have named the Applicant, Goga Misal and the other accused in Crime No. 436 of 2024. Said witnesses have stated that Goga Misal, Dada More and Om Misal assaulted the Informant on the right hand, back and neck causing injuries.

10. Goga Misal (Accused No. 2), who has been referred by all the aforesaid witnesses in their statements, is released on bail. Mr. Niranjana Bhavake, learned Advocate for the Applicant would therefore be justified in seeking bail for the Applicant on the ground of parity. Investigation is complete and charge-sheet is filed.

11. Considering the material on record and co-accused Goga Misal being released on Bail, Applicant would be entitled to Bail.

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. 436 of 2024 registered with Indapur Police Station, District-Pune for the offences punishable under Sections 307, 324, 143, 147, 148, 149, 504 & 506 of the IPC and Section 3(25) of the Indian Arms Act, 1959 on executing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with the local surety in the like amount to the satisfaction of the Additional Sessions Judge, Indapur.
- b. Applicant shall not directly or indirectly make any inducement, threat or promise to any person/s acquainted with facts of accusation, so as to dissuade such a person/s 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, Indapur Police Station, Pune Rural and shall keep the same updated, in case of any change thereto.
- e. Applicant shall appear and report/attend before the

Investigating Officer, Indapur Police Station, Pune Rural twice in a month, i.e. on 2nd & 4th Saturday of every month from 10.00 a.m. to 1.00 p.m. till conclusion of trial of Sessions Case No. 453 of 2025.

- f. Applicant shall co-operate in the conduct of the trial and shall regularly attend the hearing of Sessions Case No. 453 of 2025, pending on the file of Additional Sessions Judge, Indapur, on each and every date, unless exempted from appearance.
- g. Applicant shall not leave the jurisdiction of Sessions Court, Indapur without prior permission of the Investigating Officer in writing.
- h. Applicant shall not indulge himself in any activities, which are similar to the present crime.

13. Criminal Bail Application No. 312 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

Digitally signed
by GITLAXMI
KRISHNA
KOTAWADEKAR
Date:
2025.12.12
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