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

BAIL APPLICATION NO.623 OF 2025

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Kiran Narendra Mandavkar

... Applicant

V/s.

State of Maharashtra

... Respondent

Mr. Manish Rai for the applicant.

Ms. Pallavi N. Dabholkar, APP for the State.

CORAM : AMIT BORKAR, J.

DATED : JUNE 9, 2025

P.C.:

1. This is an application under Section 439 of the Criminal Procedure Code, 1973. The applicant is seeking bail in connection with Crime Register No. I-219 of 2018, registered with Hill Line Police Station, Thane. The offence was registered on 11th September 2018 for offences punishable under Sections 302, 120B, 364 read with Section 34 of the Indian Penal Code, 1860.

2. As per the prosecution's case, the incident in question took place on 10th September 2018 at around 5:00 p.m. It is alleged that the applicant, along with the co-accused, was having an old enmity or grudge against the deceased. It is further alleged that the accused persons, in furtherance of a criminal conspiracy, forcibly took the deceased to a spot near Ashwini Dhaba at Vasargaon, behind a water pipeline, and brutally assaulted him.

The deceased was allegedly killed by throwing stones on his head, face, and eyes, resulting in his death.

3. The applicant came to be arrested on 11th September 2018, i.e., the very next day after the alleged incident, and has been in judicial custody since then. It is not in dispute that the investigating agency has completed the investigation and filed the charge sheet on 6th December 2018. Thereafter, the case has been committed to the Court of Sessions and registered as Sessions Case No.18 of 2019 on 10th January 2019.

4. The applicant had earlier moved an application for bail before the learned Sessions Judge, which came to be rejected. Aggrieved by the said order of rejection, the applicant has now approached this Court by way of the present application under Section 439 of Cr.P.C., seeking his release on bail pending trial.

5. Learned Advocate for the applicant has drawn attention to the orders passed by the Co-ordinate Benches of this Court in favour of the co-accused persons. It is submitted that two co-accused, who were arrested on the same date as the present applicant, i.e., 11th September 2018, have been granted bail on the ground of inordinate delay in commencement and completion of trial. The learned counsel has placed reliance on Bail Application No. 4357 of 2024 and Bail Application No. 3427 of 2024, in which this Court was pleased to grant bail to similarly situated co-accused, observing that the right to speedy trial is a fundamental right under Article 21 of the Constitution of India.

6. It is not in dispute that the present applicant was arrested on

the same day as the co-accused in connection with the same crime. It is brought to the notice of this Court that the co-accused have already been granted bail by this Court on the ground of prolonged incarceration and delay in the commencement and conclusion of the trial. The principle of parity in the matter of bail, as laid down by the Hon'ble Supreme Court in various decisions, mandates that when similarly placed co-accused have been released on bail, the remaining accused should ordinarily be granted the same relief unless distinguishing features are shown to deny such benefit.

7. In the present case, there is nothing on record to indicate that the role attributed to the applicant is graver than that of the co-accused who have already been enlarged on bail. Furthermore, there are no allegations of the applicant having misused liberty during the period of investigation or tampered with evidence.

8. The applicant has been in custody for a considerable period, and there is no concrete assurance from the prosecution that the trial will conclude in the near future. Continued pre-trial detention, particularly when the trial is likely to take long time, would amount to denial of the fundamental right to personal liberty under Article 21 of the Constitution of India.

9. Therefore, following the principle of parity, and in the absence of any aggravating circumstances shown against the applicant, this Court is of the view that the applicant is entitled to be released on bail on the same terms and conditions as were imposed while granting bail to the co-accused in Bail Application

No. 4357 of 2024. Accordingly, the applicant is directed to be released on bail on the following conditions:

(A) The applicant shall be released on bail in connection with FIR No. I-219 of 2018 dated 11th September 2018, registered with Hill Line Police Station, District Thane, on his furnishing a personal bond in the sum of ₹50,000/- (Rupees Fifty Thousand only), with one or two solvent sureties in the like amount, to the satisfaction of the Trial Court.

(B) The applicant shall report to the Hill Line Police Station, District Thane, on the first Monday of every month between 10:00 a.m. and 12:00 noon, until the conclusion of trial.

(C) The applicant, upon release, shall within one week, furnish his present residential address and active contact numbers to the Investigating Officer as well as the Trial Court. In the event of any change in address or contact details, he shall promptly update the same with the concerned authorities.

(D) The applicant shall remain present before the Trial Court on every date of hearing, unless specifically exempted by the Court for valid reasons to be recorded in writing. He shall extend full co-operation to ensure early disposal of the trial.

(E) The applicant shall not, directly or indirectly, tamper with the evidence of the prosecution or influence the complainant, witnesses, or any other person connected with the case.

10. In view of the above discussion, the Bail Application stands allowed in the aforesaid terms.

(AMIT BORKAR, J.)