

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

CRIMINAL BAIL APPLICATION NO. 1053 OF 2025

Dheeraj @ Motha Buntty Anil Garud ... Applicant.

Vs.

The State of Maharashtra ... Respondent.

Mr. Kuldeep Nikam, a/w. Nishi Singhvi, Advocate for the Applicant.

Mr. Vinod Chate, APP for Respondent/State.

PSI Ghogare, Talegaon Dhabhade Police Station.

CORAM : ASHWIN D. BHOBE, J.

DATE : 26 JUNE, 2025.

P.C. :

1. Heard Mr. Kuldeep Nikam, learned Advocate for the Applicant and Mr. Vinod Chate, learned APP for State.

2. By the present Application filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”), the Applicant is seeking regular bail in Crime No. 568 of 2023 registered at Talegaon Dhabhade Police Station, Pune for the offences punishable under Section 302, 323 read with Section 34 of the Indian Penal Code.

3. Case of prosecution is that an altercation amongst two groups resulted into physical scuffle and ended in the death of

Krushna Kailash Shelke (deceased).

4. Mr. Nikam, learned Advocate for the Applicant states that Crime No. 568 of 2023 is registered as Sessions Case No. 30 of 2024 and is pending on the file of the learned Additional Sessions Judge, Vadgaon Maval, Pune.

5. There are four accused in the present Crime. Applicant is Accused No. 1. The other three accused in the said crime are Sidharth @ Sonya @ Bablya Uttam Randive (Accused No. 3, Aftar Jamshed (Accused No. 2) and Vaibhav Narayan Avchar (Accused No. 4).

5. Bail Application at Exh. 4 in Sessions Case No. 30 of 2024 filed by the Applicant was rejected by the learned Additional Sessions Judge, Vadgaon, Maval, Pune by order dated 23rd September, 2024.

6. Mr. Nikam, learned Advocate for the Applicant states that present Bail Application is filed seeking bail on the ground of parity. He states that the role alleged in respect of Applicant herein is similar and identical to the role alleged against the other two accused viz. Accused No. 2 and Accused No. 3. He states that on identical set of allegation Accused No. 2 has been released on bail by order dated 21st February 2025 passed in Bail Application No. 373 of 2025 and Order dated 10th January, 2025 passed in Bail

Application No. 4261 of 2024. He tenders both orders. Photocopies of the said two orders are taken on record and marked “X” collectively for identification.

7. Mr. Vinod Chate learned APP submits that the offence in the crime are under section 302, 323 and 34 of the Indian Penal Code, as such serious. He submits that the role assigned to the Applicant herein is similar and identical to the role as assigned to the Accused No. 2 and 3. He submits that the Applicant herein has six criminal antecedents. On the ground antecedents, learned APP opposes the bail.

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

9. Perusal of the charge-sheet reveals that involvement and the role assigned to the Applicant to be similar to the role as is assigned to the Accused Nos. 2 and 3. Applicant herein is similarly placed in the crime as are Accused Nos. 2 and 3. This Court by orders (at “X” collectively), after considering involvement of the Accused Nos. 2 and 3 in the said crime, has released both the said Accused on bail.

10. Objection of the learned APP Mr. Chate pertains to Applicant having criminal antecedents. Hon’ble Supreme Court in the case of Prabhakar Tewari v/s. State of Uttar Pradesh and Anr.¹

¹ 2020 Vol 11 SCC 648

in paragraph-7 has held as under :

“7. On considering the submissions of the learned counsel for the parties, having regard to the circumstances of this case, in our opinion, there has been no wrong or improper exercise of discretion on the part of the High Court in granting bail to the accused. The factors outlined in the case of [Mahipal](#) (supra) for testing the legality of an order granting bail are absent in the order impugned. The materials available do not justify arriving at the conclusion that the order impugned suffers from non-application of mind or the reason for granting bail is not borne out from a prima-facie view of the evidence on record. The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail. The High Court has exercised its discretion in granting bail to the accused Vikram Singh upon considering relevant materials. No ex-facie error in the order has been shown by the appellant which would establish exercise of such discretion to be improper. We accordingly sustain the order of the High Court granting bail. This appeal is dismissed.”

(emphasis supplied)

11. From the nature of allegations in the present crime, co-accused are released on bail by this Court. On the same set of facts, the Applicant herein would be entitled to bail on the principle of parity.

12. In view of the above, Bail Application Is allowed on the following conditions :

- (a) It is directed that the Applicant shall be released on bail in Crime No. 568 of 2023, registered with Talegaon Dhabhade Police Station, Pune for the offences punishable under Sections 302, 323 read with Section 34 of the Indian Penal Code. on furnishing P.R.Bond of Rs. 25,000/- (Rupees Twenty-Five Thousand) with one solvent surety in the like amount;
- (b) 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;
- (c) Applicant shall attend the trial before the Trial Court regularly on every date fixed in Sessions Case No. 30 of 2024, unless exempted.
- (d) Applicant upon release within 3 days shall furnish his residential addresses with proof and contact details to the Trial Court and Investigating Officer, Talegaon Dhabhade Police Station, Pune.

13. Criminal Bail Application No. 1053 of 2025 is disposed of on the above terms.

(ASHWIN D. BHOBE, J.)