

VRJ

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

BAIL APPLICATION NO.1724 OF 2025

Nilesh Shantaram Bhalerao	... Applicant
V/s.	
The State of Maharashtra	... Respondent

VAIBHAV
RAMESH
JADHAV

Digitally signed by
VAIBHAV
RAMESH JADHAV
Date: 2025.07.28
17:20:48 +0530

Mr. Gautam Kanchanpurkar with Vinod R. Donde for the applicant.

Ms. Megha S. Bajoria, APP for the State.

Mr. Sonawane, PSI, Devnar Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 28, 2025

P.C.:

1. The present application is filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail in connection with Crime No. 626 of 2023 registered with Deonar Police Station, Mumbai. The said crime is registered for offences punishable under Sections 307 and 324 read with Section 34 of the Indian Penal Code, 1860.

2. As per the prosecution story, the incident occurred on 12th November 2023 at about 11:00 p.m. near Nalanda Buddhavihar, New Gautam Nagar, Plot No.2, Sonapur Road, Govandi, Mumbai. It is alleged that the informant along with his friend Vishal was bursting firecrackers at the said location. At that time, the applicant and co-accused No.1, namely Nikhil, were sitting nearby.

One of the firecrackers reportedly burst close to them, following which co-accused Nikhil started arguing with Vishal. The informant tried to intervene and calm the situation, and local residents also stepped in to settle the quarrel. The dispute seemed to have ended peacefully, and both the applicant and co-accused left the spot.

3. However, it is further alleged that after some time, both the applicant and co-accused Nikhil returned to the location. In a fit of anger, they allegedly assaulted the informant. It is alleged that the co-accused Nikhil attacked the informant on the neck and abdomen using a knife, thereby causing serious injuries. As per the FIR, the applicant is alleged to have played the role of supplying the knife to the co-accused and holding the informant during the assault. On the basis of these allegations, the informant lodged a report with the police.

4. Learned counsel for the applicant has relied on the order dated 9th September 2024 passed by a Co-ordinate Bench of this Court in Criminal Bail Application No. 2857 of 2024, whereby co-accused Nikhil has been granted bail. It is submitted that the co-accused, who is alleged to be the main assailant and the author of the injuries caused to the victim, has been released on bail. The learned advocate contends that the role attributed to the present applicant is limited to supplying the weapon and allegedly holding the victim. It is therefore submitted that the applicant deserves to be released on bail on the ground of parity.

5. On the other hand, the learned APP has strongly opposed the

bail application. It is submitted that the role of the applicant is not on equal footing with that of the co-accused. The learned APP argued that the allegations against the applicant indicate active involvement in the commission of the offence and, therefore, the principle of parity would not apply in the facts of the present case.

6. I have carefully considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State. I have also perused the FIR, the medical papers, and the bail order dated 9th September 2024 passed by the Co-ordinate Bench in favour of co-accused Nikhil.

7. It is not in dispute that the co-accused Nikhil, who is alleged to be the main assailant and who is specifically attributed the act of inflicting knife blows on the victim's neck and abdomen, has already been released on bail by this Court. A perusal of the FIR and charge-sheet indicates that the overt act of assaulting the victim with a knife is not attributed to the present applicant. The role of the applicant, as alleged, is that of aiding the co-accused by allegedly handing over the weapon and restraining the victim.

8. The principle of parity, though not absolute, is an important consideration when similarly placed accused persons are dealt with differently. In the present case, the alleged main offender, who is stated to have caused serious bodily injury, is on bail. The role of the applicant, though not insignificant, appears to be comparatively lesser in degree. There is no material placed on record to indicate that the applicant has any criminal antecedents or is likely to abscond or tamper with prosecution evidence if

released on bail.

9. Further, the charge-sheet has already been filed, and the investigation is complete. The applicant has been in custody since his arrest, and his further detention may not be necessary, particularly when the trial is likely to take some time.

10. In such circumstances, and considering the facts on record, especially the grant of bail to the co-accused and the comparative role assigned to the applicant, this Court is of the view that the applicant deserves to be released on bail on the ground of parity.

11. Hence, the following order is passed.

- i) The bail application is allowed;
- ii) The applicant Nilesh Shantaram Bhalerao is directed to be released on regular bail in connection with Crime No. 626 of 2023 registered with Deonar Police Station for offences punishable under Sections 307, 324 read with 34 of the Indian Penal Code, 1860, upon furnishing a personal bond of Rs.50,000/- (Rupees Fifty Thousand only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:
 - a) The applicant shall not enter the jurisdiction of Deonar Police Station, during the pendency of the trial.
 - b) Upon release, within one week, the applicant shall inform the Investigating Officer as well as the trial court about his contact number and residential address and update the same in case of any change;

- c) The applicant shall co-operate with the trial Court in completing the proceedings expeditiously and attend the proceedings before the trial Court on each and every date, unless specifically exempted, for the reasons to be recorded in writing;
- d) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not undertake any action that may influence the informant, witnesses and other persons concerned with the case.
- e) The applicant shall be liable to face proceedings for cancellation of bail, in the event any of the aforesaid conditions are violated.

(AMIT BORKAR, J.)