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

BAIL APPLICATION NO.1773 OF 2025

VAIBHAV
RAMESH
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Yogendra Jawaharlalsingh Baghel ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Akshay Kapadia i/by Mr. Gurubala Birajdar for the applicant.

Ms. Supriya I. Kak, APP for the State.

Mr. K. V. Hasgule, PSI, Shivaji Nagar Police Station, Thane is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 17, 2025

P.C.:

1. By this application, the applicant has approached this Court under Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail in connection with Crime No.273 of 2021 registered with Shivaji Nagar Police Station. The said crime has been registered for offences punishable under Sections 363, 364-A, and 120B of the Indian Penal Code, 1860.

2. The case of the prosecution, in brief, is that the present applicant, along with the co-accused, has been charge-sheeted for the above-mentioned offences. It is alleged that the complainant's minor son, aged 9 years and a student of 4th Standard at New Deccan English School, Ambarnath (West), was attending private

tuition classes during the COVID-19 pandemic as the school was closed. These classes were conducted by one Meena Khadapkar at Parshuram Residency, Ambernath (East), between 5:00 p.m. and 7:00 p.m. The complainant, it appears, earns his livelihood by running a vada pav stall at Green City Chowk.

3. On 8th September 2021, the complainant's son went to his tuition class at 5:00 p.m. as usual but did not return home till 7:30 p.m. Despite making inquiries, his whereabouts could not be traced. Suspecting that his son had been kidnapped, the complainant lodged a missing complaint and a report came to be registered under Section 363 of the IPC. During the course of investigation, based on secret information, one Amjad Khan was apprehended by the police on 11th September 2021 along with the abducted child. Further inquiry revealed that Amjad Khan had allegedly conspired with the present applicant and another co-accused to kidnap the minor child for ransom. It is based on these allegations that the offence was registered and investigation proceeded.

4. The learned advocate appearing on behalf of the applicant has drawn the attention of this Court to the orders passed by a Co-ordinate Bench of this Court in Criminal Bail Application No.1257 of 2024 dated 5th March 2025 and Criminal Bail Application No.704 of 2025 dated 1st April 2025. It is submitted that the main accused, who are alleged to have played a leading role in the offence, have already been released on bail. On this ground, the applicant seeks bail on the principle of parity. According to learned counsel, there are no distinguishing facts in the applicant's case

which would justify a denial of similar relief. Hence, he prays that the applicant be granted regular bail.

5. On the other hand, the learned APP appearing for the State has strongly opposed the bail application. It is submitted that the applicant had an active and deliberate role in the commission of the crime. It is further submitted that the other co-accused were released primarily on the ground of delay in the trial, and therefore, those orders cannot be pressed into service for seeking parity. According to the learned APP, the applicant cannot be granted benefit of the said bail orders and the application deserves to be rejected.

6. I have carefully considered the submissions advanced by the learned advocate for the applicant and the learned APP for the State. I have also perused the charge-sheet and the orders passed by the Co-ordinate Bench in the case of the co-accused.

7. It is not in dispute that the main accused, namely Amjad Khan and another co-accused, who are alleged to have played a pivotal role in the kidnapping of the minor child for ransom, have already been granted bail by this Court vide orders dated 5th March 2025 and 1st April 2025, respectively. The prosecution has not pointed out any significant distinguishing circumstance which would disentitle the present applicant from claiming the benefit of parity.

8. It is also relevant to note that the investigation in the matter is complete and charge-sheet has already been filed. The applicant is in custody since considerable period and no fruitful purpose

would be served by keeping him further behind bars, particularly when the trial is not likely to commence in the near future.

9. Moreover, the principle of parity, which flows from Article 14 of the Constitution of India, mandates that similarly situated accused should be treated alike. In the present case, in absence of any material showing a more aggravated role of the present applicant as compared to the co-accused who are already enlarged on bail, denial of bail would amount to discriminatory treatment.

10. It is made clear that the trial Court shall not be influenced by the observations made herein while conducting the trial and the applicant shall strictly abide by the conditions imposed by this Court.

11. In view of the above, the applicant deserves to be released on bail.

i) The bail application is allowed;

ii) The applicant Yogendra Jawaharlalsingh Baghel is directed to be released on regular bail in connection with Crime No.273 of 2021 registered with Shivaji Nagar Police Station for offences punishable under Sections 363, 364-A and 120B of the Indian Penal Code, 1860, upon furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five 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 report the Shivaji Nagar Police

Station on first Monday of every month between 10.00 a.m. to 12.00 noon, until further orders.

- b) The applicant shall not tamper with the evidence or attempt to influence any witness.
 - c) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
 - d) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
 - e) The applicant shall not indulge in any criminal activity during the pendency of the trial.
 - f) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.
4. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)