

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

CRIMINAL BAIL APPLICATION NO. 1878 OF 2025

Sachin Amarnath Mahajan

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Chaitrali Deshmukh, learned Advocate for the Applicant.

Mr. Amit A. Palkar, learned A.P.P. for the State/Respondent.

**CORAM : ASHWIN D. BHOBE, J.
DATE : 4th AUGUST 2025.**

P.C. :

1. Heard Ms. Chaitrali Deshmukh, learned Advocate for the Applicant and Mr. Amit Palkar, 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. 597 of 2018 registered with Nashik Road Police Station, District-Nashik for the offences punishable under Sections 302, 307, 326, 324, 504 and 506 read with 34 of the Indian Penal Code, 1860 (“**IPC**” for short) and Section 135 of the Maharashtra Police Act, 1951.

3. Ms. Chaitrali Deshmukh, learned Advocate for the Applicant submits that the abovesaid crime is registered as Sessions Case No.

132 of 2019 and is pending on the file of learned Additional Sessions Judge, Nashik.

4. There are 3 accused persons in the present crime. Applicant is Accused No. 1.

5. Case of the prosecution is that in a quarrel between Aazim Shaikh (deceased) and the accused persons, Aazim Shaikh was assaulted with iron rod and wooden bat. Aazim Shaikh succumbed to the injuries.

6. Applicant was arrested on 23rd December 2018, since then he is in jail. Bail Application at Exhibit-25 filed by the Applicant in Sessions Case No. 132 of 2019, was rejected by the learned Additional Sessions Judge, Nashik by order dated 23rd June 2023.

7. Ms. Chaitrali Deshmukh, learned Advocate for the Applicant submits that the Applicant is seeking bail on the ground of parity. She submits that Dnyaneshwar @ Nana Amarnath Mahajan (Accused No. 2) was released on bail by this Court on 12th January 2023 in Criminal Bail Application No. 4251 of 2021. She tenders a copy of the said order, which is taken on record and marked as "X" for identification. She submits that Rahul Dnyaneshwar Mahajan (Accused No. 3) was released on bail by the Court of the Additional Sessions Judge, Nashik by order below Exhibit-3 in Sessions Case No. 132 of 2019 dated 19th June 2019 (page nos. 24 to 28 of the paper-book). She submits that the involvement of the Applicant as well as involvement of Accused Nos. 2 and 3 in the crime alleged against them, is similar and identical. She therefore submits that the Applicant would be entitled to bail on the ground of parity.

8. Mr. Amit Palkar, learned A.P.P. for the State/Respondent submits that involvement of the Applicant and the Accused Nos. 2 and 3 in the said crime is of assaulting Aazim Shaikh with iron rod and wooden bat. He submits that the eye witness has referred to all the three accused persons assaulting Aazim Shaikh in this context. He submits that the involvement of the Applicant as well as Accused Nos. 2 and 3 is similar and identical. He therefore submits that the present Bail Application can be considered on the ground of parity.

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

10. Perusal of the charge-sheet and the said two orders referred by Ms. Chaitrali Deshmukh, learned Advocate for the Applicant, *prima facie* indicates that the involvement of Applicant and other two accused persons is similar and identical. This Court in its order dated 12th January 2023, after considering the case of Accused No. 2, has observed that the incident does not appear to be premeditated.

11. Applicant is in jail since 2019. Ms. Chaitrali Deshmukh, learned Advocate for the Applicant submits that the trial of Sessions Case No. 132 of 2019 would be delayed considering the number of witnesses listed by the prosecution in the said crime.

12. In the facts and circumstances of the present case and role assigned to the Applicant and Accused Nos. 2 and 3 being similar and identical, Applicant would be entitled to bail on the principle of parity.

13. 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. 597 of 2018 registered with Nashik Road Police Station, District-Nashik for the offences punishable under Sections 302, 307, 326, 324, 504 and 506 read with 34 of the IPC and Section 135 of the Maharashtra Police Act, 1951 on executing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge, Nashik.
- b. Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of accusation, so as to dissuade such person from disclosing such facts to the Court or to any police officer.
- c. Applicant shall not tamper with the prosecution witnesses and evidence in any manner.
- d. Applicant upon his release, within a period of three days from his release, shall furnish his cell phone number and residential address with proof to the Investigating Officer, Nashik Road Police Station, District-Nashik and shall keep the same updated, in case of any change thereto.

- e. Applicant shall co-operate in the conduct of the trial of Sessions Case No. 132 of 2019 and shall regularly attend the hearing of the case pending on the file of Additional Sessions Judge, Nashik, on each and every date, unless exempted from appearance.

14. Criminal Bail Application No. 1878 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

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