

AGK

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

BAIL APPLICATION NO.2101 OF 2025

Aniket Dinesh Gaitadke	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Bhavesh Thakur i/by Mr. Prajyot Shrivastav for the applicant.

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

Mr. S.R. Avhad, PSI, Tilak Nagar Police Station, Mumbai is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 9, 2025

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P.C.:

1. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973, wherein the applicant seeks regular bail in connection with Crime Register No.218 of 2020 registered with Tilak Nagar Police Station, Mumbai. The offences alleged against the applicant are punishable under Sections 302, 506(2), and 504 read with Section 34 of the Indian Penal Code, 1860; Sections 4, 25, and 27 of the Arms Act, 1959; and Section 37(1)(a) read with Section 135 of the Maharashtra Police Act, 1951.

2. The applicant is shown as Accused No.1 in the present crime. He has been in custody since his arrest on 20th July 2020. As per the case of the prosecution, there are four accused persons

involved in the alleged offence. Out of them, Accused Nos.2, 3, and 4 have already been granted bail. The specific role attributed to the present applicant is that he allegedly assaulted the deceased on the head with a sword. It is to be noted that Accused No.2, who is already released on bail by a coordinate Bench of this Court, is alleged to have inflicted a knife blow on the back of the deceased.

3. Upon perusal of the postmortem report, it is revealed that the cause of death is haemorrhagic shock due to multiple stab injuries. Although column No.17 of the report does mention head injuries, the nature of the stab injuries, at this prima facie stage, cannot be directly linked to the applicant. It is also pertinent to mention that the applicant was arrested on the same date as Accused No.2, i.e., on 20th July 2020, and has remained in custody for a considerable period. In the backdrop of these facts, and considering that other co-accused have already been released on bail, the case of the applicant deserves consideration for grant of bail.

4. The learned APP has opposed the application for bail. It is submitted that Accused No.2 was granted bail on the ground of delay in trial and not on merits, and therefore, the principle of parity may not strictly apply in the case of the present applicant. She further submits that the allegation against the applicant is graver, as he is specifically accused of having assaulted the deceased on the head with a sword. Hence, she prays that the bail application be rejected.

5. I have considered the submissions of the learned counsel for the applicant and the learned APP. I have also perused the material placed on record, including the FIR, statements, and postmortem report. It is true that the allegation against the applicant is of assault with a sword; however, the postmortem report shows that the cause of death is due to multiple stab injuries, which, at this stage, are not clearly attributable to the applicant. The applicant is in custody since 20th July 2020, and no material is brought to show that he has misused the liberty while in custody or tried to tamper with prosecution evidence.

6. It is also not in dispute that Accused Nos.2, 3, and 4 have already been released on bail. Though the bail of Accused No.2 was granted on the ground of delay, the fact remains that the applicant is similarly placed, has spent over four years in custody, and the trial is not likely to conclude in the immediate future. Thus, considering the totality of the circumstances and without commenting on the merits of the case, a case is made out for granting bail to the applicant.

7. Hence, following order is passed:

- i) The bail application is allowed;
- ii) The applicant is directed to be released on regular bail in connection with Crime Register No.218 of 2020 registered with Tilak Nagar Police Station, Mumbai for offences punishable under Sections 302, 506(2), 504 read with Section 34 of the Indian Penal Code, 1860 and Sections 4, 25, and 27 of the Arms Act, 1959 and Section 37(1)(a) and

135 of the Maharashtra Police Act, 1951 , 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) Before his actual release from jail, the applicant shall furnish his address where he proposes to reside and contact number after his release from jail to the concerned Police Station and also to the Trial Court;
- b) After his release jail, the applicant shall report to the Investigating Officer as and when called for;
- c) The applicant shall attend the Trial Court on first Tuesday of every month between 11.00 a.m. and 1.00 p.m. to mark his presence. If the first Tuesday of the said month falls on a holiday and/or non Court working day, the applicant shall mark presence on the next working day;
- d) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter the area of Tilak Nagar Police Station after being released on bail, till the trial concludes as per the statement made by learned Advocate for the applicant;
- e) The applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if he does so, it will entitle the prosecution to apply for cancellation of this order;

- f) The applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;
 - g) The applicant shall not influence with any of the witnesses or tamper with evidence in any manner; and
 - h) The applicant shall surrender his passport, if any, to the Investigating Officer;
 - I) In case of any infraction of the above conditions and/or two consecutive defaults in marking his attendance before Trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. I.e, for cancellation of bail.
4. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the prima facie observations made herein above in this order.
5. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)