

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

CRIMINAL BAIL APPLICATION NO. 2161 OF 2025

Nitin Digambar Dethe

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Priyal Sarda a/w Mr. Changdev Shingade, Mr. Shubham Sane and Mr. Rajesh Ranglani i/b Ms. Seema S. Dighe, learned Advocates for the Applicant.

Mr. Tanveer G. Khan, learned A.P.P. for the State/Respondent.

CORAM : ASHWIN D. BHOBE, J.

DATE : 27th JUNE 2025.

P.C. :

1. Heard Mr. Priyal Sarda, learned Advocate for the Applicant and Mr. Tanveer Khan, 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. 465 of 2022 registered with Pandharpur Taluka Police Station, District-Solapur for the offences punishable under Sections 302 and 120(B) read with 34 of the Indian Penal Code Act, 1860 (“**IPC**” for short).

3. Mr. Priyal Sarda, learned Advocate for the Applicant states that the present crime is registered as Sessions Case No. 128 of 2022, pending before the Court of Additional Sessions Judge,

Pandharpur.

4. There are 6 Accused in the present crime. Applicant is Accused No. 4.

5. Case of the prosecution is that the Accused, who were travelling in the Innova Car, dashed the two wheeler, rode by the deceased. The allegations of conspiracy and motive are made in the crime.

6. Applicant was arrested on 12th July 2022 and since then he is in jail. Bail Application at Exhibit-57 filed by the Applicant in Sessions Case No. 128 of 2022, was rejected by the Additional Sessions Judge, Pandharpur by order dated 24th October 2024.

7. Mr. Priyal Sarda, learned Advocate states that the allegations against the Applicant, are that the Applicant was a occupant of the said Innova Car, which gave dash to the deceased. He submits that Prashant Parmeshwar Dethe (Accused No. 3) was also alleged to be present in the said car. He submits that the allegations against the Applicant and Accused No. 3 are similar. Accused No. 3 has been released on bail by order dated 27th February 2025, passed by the Hon'ble Supreme Court in Criminal Appeal No. 977 of 2025. Mr. Priyal Sarda, learned Advocate submits that the Applicant being similarly placed in the context of allegations and involvement made against Accused No. 3 in the crime, the Applicant prays for bail on the ground of parity. He tenders a photocopy of the order dated 27th February 2025 passed by the Hon'ble Supreme Court in Criminal Appeal No. 977 of 2025, which is taken on record and marked as "X" for identification.

8. Mr. Tanveer Khan, learned A.P.P. for the State/Respondent submits that the allegations against Accused No. 3, who has been released on bail by the Hon'ble Supreme Court, is similar and identical to the case of Applicant herein. He therefore submits that the case of Applicant can be considered on the ground of parity.

9. I have perused the records and the order dated 27th February 2025 passed by the Hon'ble Supreme Court in Criminal Appeal No. 977 of 2025, with the assistance of learned Advocates of the parties.

10. Perusal of the charge-sheet in the present crime reveals that the role and involvement of the Applicant (Accused No. 4) is similar to the role assigned to Accused No. 3. Accused No. 3 is released on bail by the Hon'ble Supreme Court. Perusal of the records at Page No. 361 reveals that Accused Nos. 1 and 6 in the said crime are also released on bail by this Court by its order dated 30th April 2024 passed in Criminal Bail Application No. 2999 of 2023. Applicant being similarly situated like Accused No. 3, is therefore entitled to bail on the principle of parity.

11. 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. 465 of 2022 registered with Pandharpur Taluka Police Station, District-Solapur for the offence punishable under Sections 302 and 120(B) read with 34 of the IPC on executing PR. 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, Pandharpur.

- 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 co-operate in the conduct of the trial and shall regularly attend the hearing of Sessions Case No. 128 of 2022, pending on the file of Additional Sessions Judge, Pandharpur, on each and every date, unless exempted from appearance.
- 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, Pandharpur Taluka Police Station, District-Solapur and shall keep the same updated, in case of any change thereto.

12. Criminal Bail Application No. 2161 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

Digitally signed
by GITALAXMI
KRISHNA
KOTAWADEKAR
Date:
2025.06.27
21:15:54 +0530