ARUNA SANDEEP TALWALKAR
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2337 OF 2025

Anuj @ Annu Sarju Yadav. ... Applicant.

Vs.

The State of Maharashtra. ... Respondent.

Mr. Vikas Shivarkar, Advocate for the Applicant.

Mr. P.H. Gaikwad, APP for Respondent/State.

PSI Bharat Mane, Vakad Police Station, Pimpri Chinchwad.

CORAM : ASHWIN D.BHOBE, J.
DATE : 18th JUNE, 2025.

P.C. :

1. Heard Mr. Vikas Shivarkar, learned Advocate for the Applicant and Mr. P.H. Gaikwad, learned APP for State.

2. By the present Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS"), the Applicant seeks regular bail in Crime No. 75 of 2024, registered with Wakad Police Station, Pune for offences punishable under Section 302 read with Section 34 of the Indian Penal Code. Said Crime is registered as Sessions Case No. 418 of 2024 and is

pending in the Court of the learned Additional Session Judge, Pune.

3. Case of the prosecution is that the Applicant was annoyed with the deceased as he was having illicit relationship with the wife of the elder brother of the Applicant. On account of the said grievance, the Applicant committed murder of the deceased (Promod Ramchandra Yadav).

4. There are two accused in the crime. Applicant is Accused No. 1 whereas Lavkush Kamalkumar Yadav is Accused No. 2.

5. Applicant was arrested on 21st January, 2024 and since then he is in jail.

6. Criminal Bail Application filed at Exh. 5 in Sessions Case No. 418 of 2024, was rejected by the learned Additional Sessions Judge, Pune on 25th October, 2024.

7. Mr. Shivarkar, learned Advocate for the Applicant submits that there are no eye witness to the crime and the prosecution case is based on circumstantial evidence. He submits that the allegations in the crime make a reference to the involvement of

the Applicant and the Accused No. 2. He submits that the role assigned to the Applicant as well as to the Accused No. 2 is similar and identical. He submits that Accused No. 2 was released on bail by this Court by order dated 19th March, 2025 passed in Criminal Bail Application No. 5029 of 2024. He submits that in the facts and circumstances of the case, the Applicant being in similar situation to that of Accused No. 2, the Applicant would be entitled to parity.

8. Mr. Gaikwad, learned APP submits that the case is based on circumstantial evidence. He submits that there are circumstances which indicate the Applicant having motive to commit the said crime. He submits that the involvement of the Accused No. 2 in the said crime is identical to that of present Applicant. He fairly submits that the Accused No. 2 having been released on bail by this Court, case of the Applicant can be considered on the same line.

9. I have perused the record with the able assistance of the learned Advocate for the Applicant and the learned APP.

10. From the nature of allegations in the crime and considering the submissions of the learned APP, that the involvement as well as the allegations against the Applicant are similar to the allegation made against the Accused No. 2, the Accused No. 2 on the same set of facts having been released on bail, principle of parity would be applicable to the case of the Applicant.

11. In view of the above, present Bail Application is allowed on the following conditions:

(a) The Applicant Anuj@ Annu Sarju Yadav be released on bail in Crime No. 75 of 2024 registered with Wakad Police Station, Dist. Pune on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or more sureties in the like amount, to the satisfaction of the learned Additional Sessions Judge, Pune.

(b) The Applicant shall attend Wakad Police Station on first Monday of every month from 11 a.m. to 2 p.m. till conclusion of the trial.

(c) The Applicant shall not interfere or threaten witnesses or tamper with the evidence.

(d) The Applicant shall attend the hearing in Sessions Case No. 418 of 2024 on each and every date, unless exempted.

(e) The Applicant shall not leave State of Maharashtra without prior permission from the Court of the learned Additional Session Judge, Pune.

(f) The Applicant upon release from the jail within a period of 3 days, shall supply his residential address with proof alongwith contact number to the Investigating Officer in the present crime.

12. Criminal Bail Application No. 2337 of 2025 is disposed of on the above terms.

[ASHWIN D.BHOBE, J.]