

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

CRIMINAL BAIL APPLICATION NO. 2417 OF 2025

Lakhan Balaji Suryawanshi.

... Applicant.

Vs.

The State of Maharashtra

... Respondent.

Mr. Kuldeep Nikam, a/w. Ms. Nishi Singhvi, Advocate for the Applicant.

Dr. A.A. Takalkar, APP for Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 26 JUNE, 2025.

P.C. :

1. Heard Mr. Kuldeep Nikam, learned Advocate for the Applicant and Dr. Takalkar, learned APP for State.

2. By the present Application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”), the Applicant is seeking regular bail in Crime No. 332 of 2023 registered with Jejuri Police Station, Pune for the offences punishable under Section 302, 201, 120(B) read with Section 34 of the Indian Penal Code, under Sections 4/25 of the Arms Act and under Section 135 of the Maharashtra Police Act.

3. Mr. Nikam, learned Advocate for the Applicant states that Crime No. 332 of the 2023 is registered as Sessions Case No. 1122 of 2023 and the same is pending on the file of the Additional

Sessions Judge, Pune.

4. Case of prosecution is that the Accused involved in the present crime hatched a criminal conspiracy and committed murder of Harishchandra Bajrang Thopate (deceased). There are 10 accused in the aforesaid crime.

5. Applicant (Accused No. 9) was arrested on 22nd July, 2023 and since then he is in jail. Co-accused Nos. 6, 8 and 10 are released on bail by the learned Sessions Court. Accused No. 7- Shubham Sachin Machare is released on bail by this Court by its order dated 6th September, 2024 passed in Criminal Bail Application No. 644 of 2024. He tenders a copy of the order dated 6th September, 2024 passed in Criminal Bail Application No. 644 of 2024, which is taken on record and marked as “X” for identification.

6. Mr. Nikam, learned Advocate for the Applicant submits that involvement of the Accused No. 7 and that of the Applicant herein as far as prosecution case is concerned, is identical. He submits that the Applicant and the Accused No. 7 are similarly placed in the context of the allegations made against them in the said crime. Mr. Nikam, learned Advocate for the Applicant states that the Applicant has no criminal antecedents. He submits that the present Bail is sought on the ground of parity.

7. Dr. Akalkar, learned APP submits that the present crime is

a serious crime. She submits that though role attributed to the Applicant and the Accused No. 7 in the above said crime is similar and identical, difference is however, that a car was recovered at the instance of Accused No. 7 and blood stained clothes alleged to be of the Applicant are recovered from the Accused No. 6. She further states that there are CDR records in the present crime showing the presence of the Accused within the vicinity of the crime.

8. I have perused the record and the order dated 6th September, 2024 passed in Criminal Bail Application No. 644 of 2024 with the assistance of the learned Advocates for the parties.

9. Perusal of the charge-sheet in the present crime reveals that allegations and the role assigned to the Applicant herein is similar to the Accused No. 7 in the said crime. This Court on considering the role assigned to the Accused No. 7 in the above said crime has enlarged the said Accused No. 7 on bail. Applicant herein is identically situated/similarly placed like that of Accused No. 7. In view of the same, the Applicant would be entitled to bail on the principle of parity.

10. This Application is therefore allowed and the Applicant is released on bail on the following conditions :

- (a) It is directed that the Applicant shall be released on bail in Crime No. 332 of 2023, registered with Jejuri Police

Station, Pune for the offences punishable under Sections 302, 201, 120(B) read with Section 34 of the Indian Penal Code under Sections 4/25 of the Arms Act and under Section 135 of the Maharashtra Police Act, on furnishing P.R.Bond of Rs. 25,000/- (Rupees Twenty-Five Thousand) with one or two solvent sureties in the like amount;

(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 attend the trial before the Trial Court regularly on every date fixed in Sessions Case No. 1122 of 2023, unless exempted.

(d) Applicant upon release within 3 days shall furnish his residential addresses with proof and contact details to the Trial Court and Investigating Officer, Jejuri Police Station, Pune.

(e) Applicant shall attend Jejuri Police Station, Pune on every 5th and 20th day of every month from 10 a.m. to 11 a.m. till conclusion of the trial.

11. Criminal Bail Application No. 1053 of 2025 is disposed of on the above terms.

(ASHWIN D. BHOBE, J.)