

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

CRIMINAL BAIL APPLICATION NO. 2426 OF 2025

Pradip Jagganath Shirsath.

... Applicant.

Vs.

The State of Maharashtra

... Respondent.

Mr. Akshay Bankapur, Advocate for the Applicant.

Mrs. Veera Shinde, APP for Respondent/State.

API Narendrra Baisane, Sarkarwada Police Station, Nashik city.

CORAM : ASHWIN D. BHOBE, J.

DATE : 26 JUNE, 2025.

P.C. :

1. Heard Mr. Akshay Bankapur, learned Advocate for the Applicant and Mrs. Veera Shinde, learned APP for State.

2. By the present Application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”), the Applicants are seeking regular bail in Crime No. 43 of 2022 registered with Sarkarwada Police Station, Nashik for offence punishable under Section 302, 201, 120-B read with Section 34 of the Indian Penal Code.

3. Case of the prosecution is that Accused in the present crime conspired to commit murder of the victim in the present crime, for pecuniary gain. There are 4 accused in the present crime. Applicant is Accused No. 2. Vikas Ashok Hemake is

Accused No. 3 and Suraj Rajendra More is Accused No. 4 in the present crime.

4. Mr. Bankapur, learned Advocate for the Applicant states that Crime No. 43 of 2022 is now registered as Sessions Case No. 277 of 2022 and is pending on the file of learned Additional Sessions Judge, Nashik.

5. Bail Application at Exh. 87 in Sessions Case No. 277 of 2022 filed by the Applicant was dismissed on 10th February, 2025.

6. Mr. Bankapur, learned Advocate for the Applicant states that present bail is being sought on the ground of parity. He submits that the prosecution case against all the accused in the present crime is based on circumstantial evidence. He submits that Accused No. 4 has been released on bail by this Court by order dated 25th June, 2024 in Criminal Bail Application No. 1173 of 2023. He tenders a copy of the order dated 25th June, 2024 which is taken on record. He states that the Vikas Hemake (Accused No. 3) in the present crime is released on bail pursuant to the order dated 15th April, 2025 passed by the Hon'ble Supreme Court in Special Leave to Appeal (Cri.) No. 2250 of 2025 (at page No. 1481 of paper book). He submits that the Applicant herein is similarly and identically placed like that of Accused Nos. 4 and 3.

7. Ms. Shinde, learned APP for the State fairly states that in view of the order passed by the Hon'ble Supreme Court (page 1481

of paper book) and the order dated 25th June, 2024 (“X”), the Applicant would be entitled to parity.

8. Mr. Bankapur, learned Advocate for the Applicant on specific instructions from the Applicant states that in the event, the Applicant is enlarged on bail, then the Applicant has instructed him to state that the Applicant shall not enter territorial jurisdiction of Sarkarwada Police Station of District Nashik till conclusion of trial. Statement accepted.

9. I have perused the records, orders passed by the Hon’ble Supreme Court and this Court.

10. Perusal of the charge-sheet indicates that case of the prosecution is based on circumstantial evidence against accused. Role assigned to the Applicant herein is similar to the involvement of the Accused Nos. 3 and 4.

11. In view of the Order dated 15th April, 2025 passed by the Hon’ble Supreme Court and Order dated 25th June, 2024 passed by this Court in Criminal Bail Application No. 1173 of 2023, the Applicant who is similarly placed like the other two accused is entitled to the bail on the principle of parity. This Application is allowed on the following conditions:

- (a) It is directed that the Applicant shall be released on bail in Crime No. 43 of 2022 registered with Sarkarwada

Police Station, Nashik for the offences punishable under Sections 302, 201, 120-B of the Indian Penal Code on furnishing P.R.Bond of Rs. 25,000/- (Rupees Fifty Thousand) with one solvent surety in the like amount;

(b) Applicant shall not enter into territorial jurisdiction of Sarkarwada Police Station of District Nashik till conclusion of trial;

(c) Applicant shall provide his address and name of nearby Police Station to the Investigating Officer and attend said Police Station on 1st and 16th day of every month between 12.00 noon and 2.00 pm till conclusion of trial;

(d) 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;

(e) Applicant shall attend the trial before the Trial Court regularly on every date fixed in Sessions Case No. 277 of 2022, unless exempted.

12. Criminal Bail Application No. 2426 of 2025 is disposed of on the above terms.

(ASHWIN D. BHOBE, J.)