

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2488 OF 2025

Avinash @ Bhendya Kiraan Kale ...Applicant.

Versus

State of Maharashtra. ...Respondent.

Mr. Shailesh Kharat, a/w. Mr. Onkar Chaudhari, Advocate for the Applicant.

Mr. T.G. Khan, APP for the Respondent-State.

PSI Pandit Sampat Manjare, Shikrapur Police Station.

CORAM: ASHWIN D. BHOBE, J

DATED: 21st AUGUST, 2025

PC:-

1. Heard Mr. Shailesh Kharat, learned Advocate for the Applicant and Mr. T.G. 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. 292 of 2021 registered with Shikrapur Police Station, for the offences punishable under Section 302, 394, 395, 396, 397 read with 34 of the Indian Penal Code, 1860 ("IPC" for short). Said crime is registered as Sessions Case No. 294 of 2022 and is pending on the file of the Additional Sessions Judge, Pune.

3. There are five accused in present crime. Applicant is Accused No. 3.
4. Mr. Kharat, learned Advocate for the Applicant submits that the Applicant is seeking Bail on the sole ground of parity. He submits that involvement of the Applicant in the present crime is similar and identical to the involvement of Accused No. 1(Dinesh Kundan Pawar). He submits that Dinesh Kundan Pawar has been released on bail by this Court vide order dated 29th April, 2025 passed in Bail Application No. 5204 of 2024 (page 295 to 297). He therefore submits that the Applicant would be entitled to Bail on ground of parity.
5. Mr. Khan, learned APP for the State submits that involvement of the Applicant and Accused No. 1 in Crime No. 292 of 2021 is similar and identical. He therefore submits that Accused No. 1 being granted bail, case of the Applicant can be considered on the ground of parity.
6. Perused the record with the assistance of the learned Advocates.
7. Records indicate that the Applicant and Accused No. 1 are identically placed in the Crime No. 292 of 2021 as submitted by Mr. Kharat, learned Advocate for the Applicant and confirmed by Mr. Khan, learned APP for the State. Accused No. 1 is released on bail by order dated 29th April, 2025(page 295 to 297). Applicant being identically placed with Accused No. 1 in the said crime, Applicant would be entitled to Bail on the ground of parity.
8. In addition to above, Applicant was arrested on 1st November, 2022.

Mr. Kharat, learned Advocate for the Applicant submits that till date charge is not framed in Sessions Case No.294 of 2022. He submits that the trial in the said proceedings is bound to be delayed. Mr. Khan, learned APP for Respondent on instructions from the Investing Officer submits that charge is not framed in Sessions Case No.294 of 2022.

9. Bail Application is allowed on the following conditions:

- a. Applicant is directed to be released on bail in connection with Crime No. 292 of 2021 registered with Shikrapur Police Station, District-Pune on executing P.R. Bond in the sum of Rs. 25,000/- with one or two local sureties in the like amount to the satisfaction of the Additional Sessions Judge, Pune.
- b. Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of accusation, so as to dissuade such person from disclosing such facts to the Court or to any police officer.
- c. Applicant shall not tamper with the prosecution witnesses and evidence in any manner.
- 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, Shikrapur Police Station, District-Pune and shall keep the same updated, in case of any change thereto.
- e. Applicant shall co-operate in the conduct of the trial

of Sessions Case No. 294 of 2022 and shall regularly attend the hearing of the case pending on the file of Additional Sessions Judge, Pune, on each and every date, unless exempted from appearance.

10. Criminal Bail Application No. 2488 of 2025 is disposed of on the above terms.

(ASHWIN D. BHOBE,J.)