

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

CRIMINAL BAIL APPLICATION NO. 2791 OF 2025

Yogesh Maruti Gaikwad

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Satyavrat Joshi a/w. Ms. Reena Prajapati, Mr. Ishan Paradkar, ,
learned Advocate for the Applicant.

Mr. V.N. Sagare, learned A.P.P for the State/Respondent.

PSI Sampange, Yavat Police Station, Pune Gramin.

CORAM : ASHWIN D. BHOBE, J.

DATE : 17th JULY 2025.

P.C. :

1. Heard Mr. Satyavrat Joshi, learned Advocate for the Applicant and Mr. Sagare, learned A.P.P. for the State/Respondent.

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. 333 of 2024 registered at Yavat Police Station, Tal. Daund, District Pune for the offences punishable under Section 395, 120(B), 34 of the Indian Penal Code read with Section 3, 25 of the Arms Act. Said Crime is registered as Sessions Case No. 171 of 2024 and is pending on the file of the learned District Judge-2, Baramati, District Pune.

3. There are 8 accused in the present crime. Applicant is Accused No. 1.

4. Applicant was arrested on 1st April, 2024, since then he is jail. Bail Application at Exh. 85 in Sessions Case No. 171 of 2024 filed by the Applicant was rejected by the learned District Judge-2, Baramati, District Pune on 26.06.2025.

5. Mr. Joshi, learned Advocate for the Applicant submits that the Applicant is seeking bail on the ground of parity. He submits that involvement of the Applicant is similar and identical to the involvement of Ganesh Satish Jadhav (Accused No. 2) in the said crime. He submits that Accused No. 2 was identified in the T.I. Parade likewise the Applicant. He submits that a pistol was recovered from Ganesh Satish Jadhav (Accused No. 2), whereas cash was recovered from the Applicant. He submits that allegations in respect of the Applicant and Accused No. 2 are similar. He submits that Accused No. 2 is released on bail by the learned Additional Sessions Judge, Baramati, District Pune, vide order dated 15th May, 2025 (page 148 to 151 of the paper book). He submits that Accused Nos. 3 and 6 in the said crime are released on bail.

6. Mr. Sagare, learned APP for the State submits that the involvement of the Applicant and the Accused No. 2 in the present crime is similar. He however, submits that recovery made at the instance of the Accused No. 2 is a pistol, whereas the recovery from the Applicant is cash. He submits that other allegations against the Applicant in the crime are similar to the allegation made against the Accused No. 2.

7. Mr. Joshi states that the Applicant has no criminal antecedents. Said statement is disputed by Mr. Sagare, learned APP who submits that the Applicant has criminal antecedents in respect of an offence under Section 307 of the Indian Penal Code.

8. Perused the record with the assistance of the learned Advocates

for the parties.

9. Perusal of the charge-sheet reveals that FIR does not name either the Applicant or the Accused No. 2. Role of the Applicant and the Accused No. 2 was revealed during the course of the investigation. Applicant as well as Accused No. 2 were identified in the T.I. Parade and recoveries of the pistol and cash, made from the Applicant and Accused No. 2, respectively. Mr. Joshi is right in submitting that the involvement and role assigned to the Applicant is similar to the role assigned to the Accused No. 2 in the present crime, who is released on bail. Applicant being similarly placed with identical factual allegations, is entitled to bail on the principle of parity.

10. In view of the above, Bail Application is allowed on the following terms :

- a. Applicant is directed to be released on bail in connection with Crime No. 333 of 2024 registered with Yavat Police Station, Pune Rural on executing P.R. Bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand Only) with one or two sureties in the like amount, to the satisfaction of the learned District Judge-2, Baramati, District Pune.
- 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 Police Station, Yavat, Dist. Pune as and when required by the Investigating Officer for the purpose of further investigation, if any.

d. Applicant shall co-operate in the conduct of the trial and shall regularly attend the hearing of Sessions Case No. 171 of 2024, pending on the file of learned District Judge-2, Baramati, District Pune, on each and every date, unless exemption is granted by the learned Trial Court.

e. Applicant shall not leave the jurisdiction of the Trial Court without prior permission of the Investigating Officer in writing.

e. Applicant shall not indulge in any criminal activities.

f. Liberty is granted to the State to apply for cancellation of bail if the Applicant commits similar offence or breaches any condition for grant of bail.

11. Criminal Bail Application No. 2791 of 2025 is disposed of on the above terms.

[ASHWIN D. BHOBE, J.]