

Nikita

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

BAIL APPLICATION NO.2817 OF 2025

Amit Chandrakant Nikalje

... Applicant

V/s.

The State of Maharashtra

... Respondent

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Mr. Rahul Dhaygude for the Applicant.

Ms. Anamika Malhotra, APP for the State.

Mr. Amol Anil Khatavkar, PSI, Malegaon Police Station,
Pune.

CORAM : ASHWIN D. BHOBE, J.

DATED : 21st JULY, 2025

P.C.:

1. Heard Mr. Rahul Dhaygude learned Advocate for the Applicant and Ms. Anamika Maalhotra, learned APP for the Statee.
2. Applicant by the present application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is seeking bail in connection with C. R. No.50 of 2025 registered with Malegaon Police Station, Pune, for the offences punishable under Sections 310(2), 311, 309(6), 137(2), 126(2), 115(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 4 and 25 of the Arms Act.
3. Case of the prosecution is that on 23.02.2025, the Applicant along with five other Accused, accosted the Complainant and took him to an isolated place with a view to rob him.

4. Applicant is Accused No.2. Applicant was arrested on 26.02.2025, since he is in jail. First bail application filed by the Applicant before the Trial Court was rejected. Joint bail Application No.1719 of 2025 filed by the Applicant before this Court, with Krushna @ Karan Sambhaji Landage (Accused No.3), was rejected as far as the Applicant is concerned, whereas bail was granted to Accused No.3. However, Applicant was granted liberty to file a fresh bail application before the Sessions/ Trial Court.

5. Applicant filed Criminal Bail Application No.475 of 2025 before the Additional Sessions Judge Baramati, which was rejected on 03.07.2025.

6. Mr. Rahul Dhaygude, learned Advocate for the Applicant submits that Applicant is seeking bail on the ground of parity. He refers to the bail granted to Accused No.3 vide order dated 22.04.2025 passed in Bail Application No.1719 of 2025 and submits that the case against the Applicant is similar and identical to the case against Accused No.3 in the said crime. To clarify, he submits that the involvement and the allegations against the Applicant are similar and identical to the allegations as made against the Accused No.3.

7. Ms. Anamika Malhotra, learned APP for the State submits that the allegations and the involvement of the Applicant in the said crime is identical to the involvement of the Accused No.3. She however, submits that the Accused No.3 did not have any criminal antecedents, whereas the Applicant has two antecedents.

8. Mr. Rahul Dhaygude, learned Advocate for the Applicant in

response to the contention of Ms. Anamika Malhotra, submits that though, there were two cases registered against the Applicant, both the said cases have been dismissed by acquitting the Applicant.

9. I have perused the record with the able assistance of learned Advocates for the parties.

10. Perusal of the charge-sheet reveals that the role assigned to the Applicant is similar and identical to the role assigned to Accused No.3, as submitted by the learned Advocates for the parties. Involvement of the Applicant in the said crime is similar to the involvement of the Accused No.3. Applicant has been acquitted in the two prior cases, as submitted by Mr. Rahul Dhaygude. Applicant is therefore entitled to bail on the principle of parity.

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

a) Applicant is directed to be released on bail in connection with C. R. No.50 of 2025 registered with Malegaon Police Station, Pune on his furnishing PR bond in the sum of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of Additional Sessions Judge Baramati, Pune.

b) Applicant shall report to the Investigation Officer, Malgaon Police Station, Pune once in a month on first Saturday between 11.00 am to 1.00 pm till the conclusion of trial.

c) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him from disclosing the facts to the Court or any police officer and shall not tamper with evidence.

d) Applicant upon his release, within 3 days shall furnish to the Investigation Officer, Malegaon Police Station, Pune his residential address with proof and the contact number and to keep the Investigation Officer intimated about the change in the same from time to time.

12. The Bail Application No.2817 of 2025 is allowed in the above said terms.

(ASHWIN D. BHOBE. J.)