

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2827 OF 2025

Deepmala @ Dipti Suryakant Mate ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Prashant Subhash Hagare a/w Mr. Krishna A. Tarde, learned Advocates for the Applicant.

Mr. Pandurang H. Gaikwad, learned A.P.P. for the State/Respondent.

PSI Mr. M. I. Metalwad attached to Yavat Police Station, Pune Rural is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 21st JULY 2025.

P.C. :

1. Heard Mr. Prashant Hagare, learned Advocate for the Applicant and Mr. Pandurang H. Gaikwad, 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. 333 of 2024 registered with Yavat Police Station, Pune Rural for the offences punishable under Sections 395 & 120(B) of the Indian Penal Code, 1860 (“**IPC**” for short) and Section 4(25) of the Indian Arms Act, 1959.

3. Mr. Prashant Hagare, learned Advocate for the Applicant

submits that the abovesaid crime is now registered as Sessions Case No. 171 of 2024 and is pending on the file of learned Additional Sessions Judge, Baramati, District-Pune.

4. There are 8 accused persons in the present crime. Applicant is Accused No. 8.

5. Case of the prosecution is that unknown person had called Sandip Kaluram Hargude (Informant) at Bhuleshwar Temple. Accused persons involved in the abovesaid crime, robbed an amount of Rs. 11,30,000/-, 2 mobile phones and key of Swift four wheeler from the Informant by putting him under the fear by use of a pistol.

6. Applicant was arrested on 2nd April 2024 and since then she is in jail. Criminal Bail Application at Exhibit-67 in Sessions Case No. 171 of 2024 filed by the Applicant was rejected by the learned Additional Sessions Judge, Baramati, District-Pune by order dated 23rd May 2025.

7. Mr. Prashant Hagare, learned Advocate for the Applicant submits that the Applicant is seeking bail on the ground of parity. He submits that Accused Nos. 3 and 5 are released on bail by this Court. He points out to the order of this Court dated 25th March 2025, passed in Criminal Bail Application No. 4232 of 2024 (page nos. 125 to 127 of the paper-book). He tenders a copy of order dated 16th April 2025, passed by this Court in Criminal Bail Application No. 4860 of 2024 in respect of Accused No. 3. The same is taken on record and marked as "X" for identification. He submits that Accused Nos. 2, 4 & 6 in the present crime have been

released on bail by the learned Sessions Court. He points out to page nos. 128 to 142 of the paper-book. He submits that the main assailant in the present crime viz. Ganesh Satish Jadhav (Accused No. 2), who had used the pistol in the crime, is released on bail. He submits that the Applicant does not have any criminal antecedents. He submits that there are no recoveries made at the instance of Applicant. He submits that the charge is not framed in the matter. He submits that considering the involvement of Accused Nos. 2 to 6 and involvement of the Applicant in the present crime, the Applicant would be entitled for bail on the ground of parity.

8. Mr. Pandurang Gaikwad, learned A.P.P. for the State/Respondent opposes the bail. He submits that the Applicant is a conspirator in the present crime.

9. I have perused the records with the assistance of learned Advocates of the parties.

10. Records reveal that the involvement of Accused No. 2 is similar to the involvement of Applicant in the present crime. Role assigned to Accused No. 2 is of execution. Pistol used in the said crime was recovered at the instance of Accused No. 2. There are no recoveries made at the instance of Applicant. Perusal of the orders passed by this Court in the case of Accused Nos. 3 & 5 indicates that this Court has considered the long incarceration of the said accused persons and released them on bail. Considering that Accused Nos. 2 to 6 being enlarged on bail and the role assigned to the Applicant being similarly placed to the role

assigned to Accused No. 2, Applicant would be entitled for bail on the ground of parity. Mr. Prashant Hagare, learned Advocate for the Applicant submits that Applicant does not have any criminal antecedents.

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 Crime No. 333 of 2024 registered with Yavat Police Station, Pune Rural for the offences punishable under Sections 395 & 120(B) of the IPC and Section 4(25) of the Indian Arms Act, 1959 on executing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge, Baramati, District-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 him 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 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 Additional

Sessions Judge, Baramati, District-Pune, on each and every date, unless exempted from appearance.

- e. Applicant upon her release, within a period of three days from her release, shall furnish her cell phone number and residential address with proof to the Investigating Officer, Yavat Police Station, Pune Rural and shall keep the same updated, in case of any change thereto.
- f. Applicant shall report to the Investigating Officer, Yavat Police Station, Pune Rural on 1st Saturday of every month from 10.00 a.m. to 12.00 noon till framing of the charge.

12. Criminal Bail Application No. 2827 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

Digitally signed
by GITALAXMI
KRISHNA
KOTAWADEKAR
Date:
2025.07.22
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