IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2876 OF 2025

Sagar Vitthal Borade ...Applicant
Versus
The State of Maharashtra ...Respondent

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Mr. Mihir N. Kasliwal i/b Mr. Rahul J. Kasliwal, learned Advocate for the Applicant.
Ms. Madhavi H. Mhatre, learned A.P.P. for the State/Respondent.
PSI Mr. H. D. Bahir attached to Yeola Taluka Police Station, District-Nashik is present in the Court.

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CORAM : ASHWIN D. BHOBE, J.
DATE : 23rd JULY 2025.

P.C. :

1. Heard Mr. Mihir Kasliwal, learned Advocate for the Applicant and Ms. Madhavi Mhatre, 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. 34 of 2025 registered with Yeola Taluka Police Station, District-Nashik for the offences punishable under Sections 109, 118(2), 118(1), 189(2), 191(2), 191(3), 115(2), 352, 351(2), 351(3), 324(5), 324(6), 61(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 ("BNS" for short).

3. There are 6 accused persons in the present crime. Applicant is Accused No. 2.

4. Case of the prosecution is that Sunil Baban Pokale

(Informant), his wife and son were abused and assaulted by the accused persons with the use of rod, wooden log and sickle. Assault was in view of the quarrel resulting out of the agricultural dispute.

**5.** Applicant was arrested on 18th January 2025, since then he is in jail. Criminal Bail Application No. 62 of 2025 filed by the Applicant was rejected by the learned Additional Sessions Judge, Yeola by order dated 29th April 2025.

**6.** Mr. Mihir Kasliwal, learned Advocate for the Applicant submits that the Applicant is seeking bail on the ground of parity. He submits that Vitthal Tryambak Borade (Accused No. 1), whose involvement is similar to the involvement of Applicant in the present crime, has been released on bail by order dated 11th April 2025 (page nos. 223 to 227 of the paper-book). He clarifies that the role assigned to Accused No. 1 was of assaulting the Informant with the use of a rod and wooden log and thereafter setting the tractor of Informant on fire. He submits that the involvement of Applicant in the present crime as per prosecution case is of pouring petrol on the tractor. He submits that Accused No. 1 having more role than the Applicant, being released on bail, the Applicant is entitled for bail on the ground of parity. He submits that the Applicant does not have any criminal antecedents.

**7.** Ms. Madhavi Mhatre, learned A.P.P. for the State/Respondent submits that the involvement of Applicant in the present crime is of pouring petrol on the tractor of Informant after damaging the same. She submits that Accused No. 1 thereafter set the said

tractor on fire. She submits that the involvement of Applicant is evinced from the statements of prosecution witnesses, recorded in the present crime.

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

**9.** Records of the investigation placed in the present Bail Application indicate that the Applicant is alleged to have participated in the assault on Informant/his family members and thereafter poured petrol on the tractor. Accused No. 1 in the present crime is alleged to have assaulted the Informant and his family members with rod, wooden log and thereafter damaged the tractor by setting it on fire. Accused No. 1 was released on bail by the learned Additional Sessions Judge, Yeola by order dated 11th April 2025.

**10.** Considering the allegations made against the Applicant and the allegations made against Accused No. 1, I find substance in the contention of Mr. Mihir Kasliwal, learned Advocate that the Applicant is similarly placed like that of Accused No. 1 in the present crime. In such circumstances, Mr. Mihir Kasliwal, learned Advocate would be justified in seeking bail on the ground of parity. Applicant does not have any criminal antecedents. Investigation is complete and the charge-sheet is filed.

**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. 34 of 2025 registered with Yeola Taluka Police Station, District-Nashik for the offences punishable under Sections 109, 118(2), 118(1), 189(2), 191(2), 191(3), 115(2), 352, 351(2), 351(3), 324(5), 324(6), 61(2) and 3(5) of the BNS 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 Additional Sessions Judge, Yeola.

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 report and attend before the Investigating Officer, Yeola Taluka Police Station, District-Nashik on 1st Saturday of every month from 10.00 a.m. to 12.00 noon till framing of the charge by the learned Trial Court in the said crime.

**12.** Criminal Bail Application No. 2876 of 2025 stands disposed of in the abovesaid terms.

**[ASHWIN D. BHOBE, J.]**