

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

CRIMINAL BAIL APPLICATION NO. 3238 OF 2025

Samadhan Vitthal Borade

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Mihir N. Kasliwal i/b Mr. Rahul J. Kasliwal, learned Advocate for the Applicant.

Ms. Anamika Malhotra, learned A.P.P. for the State/Respondent.

CORAM : ASHWIN D. BHOBE, J.

DATE : 22nd AUGUST 2025.

P.C. :

1. Heard Mr. Mihir Kasliwal, learned Advocate for the Applicant and Ms. Anamika Malhotra, 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. 3.

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 at Exhibit-2 filed by the Applicant in Sessions Case No. 26 of 2025 was rejected by the learned Additional Sessions Judge, Yeola by order dated 2nd August 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. Anamika Malhotra, learned A.P.P. for the State/Respondent submits that the involvement of Applicant in the

present crime is almost similar to the involvement of Accused No. 2. She submits that Accused Nos. 1 & 2 are released on bail. She therefore submits that the case of Applicant can be considered on the ground of parity, as Accused Nos. 1 & 2 being released on bail.

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

9. Considering the allegations made against the Applicant and the allegations made against Accused No. 2, I find substance in the contention of Mr. Mihir Kasliwal, learned Advocate that the Applicant is similarly placed like that of Accused No. 2 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.

10. 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 upon his release from jail, within a period of three days from his release, shall furnish his cell phone number and residential address with proof to the Investigating Officer, Yeola Taluka Police Station, District-Nashik and shall keep the same updated, in case of any change thereto.
- e. Applicant shall co-operate in the conduct of the trial and shall regularly attend the hearing of Sessions Case No. 26 of 2025, pending on the file of Additional Sessions Judge, Yeola, on each and every date, unless exempted from appearance.
- f. 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.

11. Criminal Bail Application No. 3238 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

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2025.08.25
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