

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

CRIMINAL BAIL APPLICATION NO. 3259 OF 2025

Mr. Aakash Ananda Kedari ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Chaitanya C. Mulawkar a/w Mr. Nilesh Waghmode, learned Advocate for the Applicant.

Mr. Amit A. Palkar, learned A.P.P. for the State/Respondent.

API Mr. Dadaraje Pawar attached to Chatushrungi Police Station, District-Pune is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 20th AUGUST 2025.

P.C. :

1. Heard Mr. Chaitanya Mulawkar, learned Advocate for the Applicant and Mr. Amit Palkar, 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. 549 of 2018 registered with Chatushrungi Police Station, District-Pune for the offences punishable under Sections 302, 120(B), 143, 144, 147, 148 & 149 of the Indian Penal Code, 1860 (“**IPC**” for short), Section 4(25) of the Indian Arms Act, 1959 and Section 37(1) read with 135 of the Maharashtra Police Act, 1951.

3. Mr. Chaitanya Mulawkar, learned Advocate for the Applicant submits that the abovesaid crime is registered as Sessions Case No. 295 of 2019 and is pending on the file of Additional Sessions Judge, Pune.

4. There are 15 accused persons in the present crime. Applicant is Accused No. 4.

5. Applicant was arrested on 2nd November 2018, since then he is in jail. Criminal Bail Application at Exhibit-426 filed by the Applicant in Sessions Case No. 295 of 2019, was rejected by the learned Additional Sessions Judge, Pune by order dated 19th July 2025.

6. Mr. Chaitanya Mulawkar, learned Advocate for the Applicant submits that the Applicant is seeking bail on two counts :- *Firstly*, on the ground of long incarceration and *secondly*, on the ground of parity. He tenders a copy of order dated 24th March 2025 passed by this Court in Criminal Bail Application No. 4196 of 2024, by which Pratik Sunil Kadam (Accused No. 2) has been released on bail on the ground of long incarceration. Said order dated 24th March 2025 is taken on record and marked as "X" for identification. He submits that the involvement of Applicant is similar and identical to the involvement of Accused No. 2 in the present crime. He submits that though the charge is framed, prosecution has examined only 7 witnesses out of 51 enlisted prosecution witnesses. He submits that there is no likelihood of conclusion of trial in the near future. He further submits that Shubham Naresh Gulakhe (Accused No. 7) and Gajendra @ Dada Tulshiram More

(Accused No. 1) in the present crime have been released on bail by this Court vide orders dated 10th October 2022 and 15th December 2023, respectively.

7. Mr. Amit Palkar, learned A.P.P. for the State/Respondent submits that considering the order dated 24th March 2025 passed in Criminal Bail Application No. 4196 of 2024 in the case of Accused No. 2, the involvement of Applicant and Accused No. 2 in the present crime being similar, the Applicant would be entitled to bail on the ground of parity.

8. I have perused the records and the order dated 24th March 2025 passed in Criminal Bail Application No. 4196 of 2024, with the assistance of learned Advocates of the parties.

9. This Court in paragraph nos. 4 and 5 of the order dated 24th March 2025 passed in Criminal Bail Application No. 4196 of 2024, has made the following observations :-

“4. The bail is sought on the ground of long incarceration as under trial prisoner. The learned counsel for the applicant submits that the applicant is in jail for six and half years. It is submitted that out of 51 witnesses cited by the prosecution, till date the prosecution has examined only 10 witnesses. It is submitted that the trial is not therefore likely to be concluded in the near future.

5. On the other hand, the learned A.P.P. for the Respondent-State submits that the deceased was brutally murdered. It is submitted that the applicant is involved in two more crimes. The learned A.P.P. submits that as the trial has commenced, the present application may not be entertained.”

10. There is no dispute raised by the prosecution with regards to the role assigned to the Applicant and Accused No. 2 being similar. This Court has released Accused No. 2 on the ground of long incarceration. This Court having granted bail to Accused No. 2, the Applicant herein would be entitled to bail on the principle of parity.

11. Mr. Amit Palkar, learned A.P.P. for the State/Respondent however expresses serious apprehension of the Applicant influencing the prosecution witnesses and tampering with the evidence, if released on bail and therefore requests that stringent conditions including the condition of the Applicant keeping himself out of territorial jurisdiction of District-Pune, be imposed.

12. Mr. Chaitanya Mulawkar, learned Advocate for the Applicant, on instructions from the Applicant, submits that the Applicant shall abide by all the conditions that may be imposed by this Court and further makes a statement that till conclusion of trial in Sessions Case No. 295 of 2019, the Applicant shall not enter the jurisdiction of District-Pune. Statement accepted.

13. 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. 549 of 2018 registered with Chatushrungi Police Station, District-Pune for the offences punishable under Sections 302, 120(B), 143, 144, 147, 148 & 149 of the IPC, Section 4(25) of the Indian Arms Act, 1959 and Section 37(1) read with 135 of the Maharashtra Police Act, 1951 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, 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 such a person from disclosing the facts to the Court or to any police personnel.
- c. Applicant shall not tamper with the prosecution evidence and shall not contact or influence any witness 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, Chatushrungi Police Station, District-Pune and shall keep the same updated, in case of any change thereto.
- e. Applicant shall co-operate in the conduct of the trial of Sessions Case No. 295 of 2019 and shall regularly attend the hearing of the case pending on the file of Additional Sessions Judge, Pune, on each and every date, unless exempted from appearance.
- f. Applicant shall not enter the territorial jurisdiction of District-Pune, till conclusion of the trial of Sessions

Case No. 295 of 2019, except for attending the hearing of the said case.

- g. Applicant shall not contact or attempt to contact the Complainant or any of the family member of the Complainant or any witness in the present crime.

14. Criminal Bail Application No. 3259 of 2025 stands disposed of in the abovesaid terms.

[ASHWIN D. BHOBE, J.]

GITALAXMI
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KOTAWADEKAR

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by GITALAXMI
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2025.08.20
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