

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

Bail Application No.3358 of 2025

Devidas Vasant Gangode

Age: 45 years, Occ: Farmer,

Residing at Village Bhokarpada,

Taluka Dindori, District Nashik

Central Jail Nashik.

... Applicant

versus

The State of Maharashtra

At the instance of Vani Police

Station, Nashik

... Respondent

Mr Akshay Bankapur, for the applicant.

Mr MG Patil, APP, for the respondent/ State.

HC 1912 VR Lokhande, Vani Police Station, Nashik, is present.

Coram: R.N. Laddha, J.

Date: 29 September 2025.

P.C.:

By this application, filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS" for short), the applicant is seeking bail in connection with CR No.467 of 2023, registered at Vani Police Station, Nashik Rural, for the offences punishable under Sections 364, 302, 120B, 201 read with Section 34 of the Indian Penal Code, and Sections 4, 25

of the Arms Act as well as Section 37(1)(3) read with 135 of the Maharashtra Police Act.

2. It is the case of the prosecution that a dispute had arisen between the deceased and the applicant, along with the other co-accused. The prosecution alleges that, in furtherance of the said animosity, the applicant and the co-accused entered into a criminal conspiracy with the intent to eliminate the deceased. Pursuant to the said conspiracy, it is alleged that during the intervening night of 10th and 11th December 2023, the applicant, in collusion with the co-accused, abducted the deceased and thereafter, committed his murder. The prosecution contends that the act was premeditated and executed jointly by the accused persons.

3. Mr Akshay Bankapur, the learned Counsel appearing on behalf of the applicant, submits that the applicant is seeking enlargement on bail on the ground of parity. It is submitted that several co-accused persons, namely accused Nos.2, 3, 4, 5, 8 and 10, who are alleged to have played a role similar to that attributed to the present applicant, have already been granted bail. The learned Counsel further contends that the role ascribed to the applicant in the commission of the alleged offence is neither distinct nor graver than that of the

aforementioned co-accused. Therefore, on the principle of parity, the applicant may be extended the same relief. The learned Counsel further contends that the co-accused persons, at whose behest and pursuant to whose disclosure the alleged weapon of offence and the deceased's body were recovered, have already been enlarged on bail by the competent Court. It is further submitted that the applicant has been incarcerated since December 2023 and continues to languish in jail. Despite the lapse of a considerable period, the prosecution has not yet framed the charges against the applicant, thereby causing undue prejudice and infringing upon his right to a speedy trial.

5. On the other hand, the learned APP representing the respondent/State, has vehemently opposed the prayer for bail, contending that the offence alleged is of a grave and serious nature. However, in all fairness, the learned APP concedes that the role attributed to the present applicant stands on a similar footing as that of the co-accused, who have already been enlarged on bail.

6. Upon perusal of the charge-sheet and the material placed on record, it is seen that the co-accused persons, who stand on a similar footing as the present applicant, have already been granted bail. It further appears that the applicant does not have

any prior criminal antecedents. Having regard to the overall facts and circumstances of the case, including the parity in treatment extended to the co-accused, and the absence of any disqualifying factors such as prior criminal antecedents, this Court finds no justifiable reason to deny the benefit of bail to the present applicant. Hence, the following order:

ORDER

- (i) The applicant shall be released on bail in CR No.467 of 2023, registered at Vani Police Station, Nashik Rural, for the offences punishable under Sections 302, 201, 120B and 364 read with 34 of the Indian Penal Code; Section 4, 25 of the Arms Act, and 37(1)(3) and 135 of the Maharashtra Police Act, on executing a PR Bond of Rs.25,000/- with one or more sureties in the like amount.
 - (ii) The applicant shall attend the concerned police station once a month, i.e. on the 1st Sunday between 11.00 a.m. to 2.00 p.m. till the conclusion of the trial.
 - (iii) The applicant shall not tamper with the witnesses and shall not tamper with the evidence.
7. The application stands disposed of accordingly.

(R.N. Laddha, J.)