

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3792 OF 2025**

1. Sunil @ Satya Shantaram Dalvi
2. Sajanya Barkya Burkud
3. Vinod Ramu Rao

...Applicants

Versus

State of Maharashtra and Anr.

...Respondents

Mr. Sachin Ramrao Pawar, *for the Applicants.*

Ms. Anuja S. Gotad, *APP for the Respondent No.1 – State.*

Mr. Amit Munde a/w Jai Vohra, *for the Respondent No.2 – CBI.*

Mr. Sanjay Sehgal, ASP, CBI, STB, Mumbai, present.

CORAM

RESERVED ON:

PRONOUNCED ON:

DR. NEELA GOKHALE, J.

15TH DECEMBER 2025

23RD DECEMBER 2025

JUDGMENT:-

1. The Applicants seek their release on bail in connection with C.R. No.I- 76 of 2020, dated 17th April 2020 and C.R. No.I- 77 of 2020, dated 18th April 2020, registered with the Kasa Police Station, Palghar, for the offence punishable under Section 307, 353, 332, 333, 341, 427, 147, 148 and 149 of the Indian Penal Code, 1860 ('IPC') and Section 3 and 5 of the Prevention of Damage to Public Property Act, 1984. Thereafter, Sections 302, 120B, 109, 117,

143, 144, 145, 152, 153, 188, 201, 269, 270, 271, 290, 342 and 505(2) read with Section 34 of the IPC and Sections 51(B), 52 and 54 of the Disaster Management Act, 2005 and Sections 2, 3, 4 and 5 of the Epidemic Disease Act, 1897 and Sections 135 read with Sections 37 (1) and (3) of the Maharashtra Police Act, 1951 were applied. Upon investigation, the charge-sheet was filed against 126 persons including the present Applicants. Initially, the investigation was conducted by the officers of Kasa Police Station and thereafter, it was transferred to the State Crime Branch. Mr. Munde, learned Spl. PP, has informed that the investigation was recently transferred to the Central Bureau of Investigation ('CBI') on 8th August 2025 and by way of an amendment, the CBI is impleaded as Respondent No.2 in the present Application.

2. The facts of the case, in brief, are that while a lockdown was ordered and enforced in Palghar district on account of the Covid-19 pandemic, on 14th April, 2020, at around 10:00 pm to 10:30 pm, a group of villagers attacked a

private vehicle namely, a white Eeco car. There were three passengers inside the car. The police station received a call reporting that a mob of about 400 to 500 villagers had assembled in Gadchinche, and had overturned the said Eeco car. The passengers were trapped inside. The three persons pleaded with the main assailants in the mob that they were proceeding for a funeral of their guru. However, the villagers were convinced that these passengers were thieves, abducting children from the village. The mob assaulted these three people, with wooden sticks, rods, and stones. The mob was violent and were even pelting stones at the police van which had come to rescue the persons being assaulted. The incident took a serious turn and the police were compelled to resort to firing in the air, in an attempt to disperse the crowd. The mob, even went to the extent of assaulting the policemen, in an attempt to restrain them from reaching the persons required to be saved. All three persons succumbed to their injuries. Ultimately, the main persons in the assault were identified and arrested. The FIR was registered. The present Applicants are

stated to be active assailants in the incident. They were arrested in C.R No.I – 76 of 2020 on 22nd May 2020, and in C.R. No.I- 77 of 2020 on 08th May 2020, 09th May 2020 and 10th May 2020 respectively.

3. The Applicants filed an application seeking bail before the Additional Sessions Judge, Thane; however, by order dated 2nd September 2025, the bail application was rejected. Hence, the Applicants have moved the present Application for the reliefs as prayed.

4. Mr. Sachin Pawar, learned counsel, appeared for the Applicants; Mr. Amit Munde, learned Sp. PP, appeared for the Respondent No.2- CBI and Ms. Anuja S. Gotad, learned APP, represented the State. Mr. Munde has submitted a compilation in addition to the Affidavit-in-Reply filed by the CBI.

5. Mr. Pawar submits that the Applicants have essentially sought bail on two grounds. i) On the principle of parity and ii) On the ground of long incarceration suffered by

the Applicants. He further submitted that presuming without admitting the case of the prosecution as it is, ingredients of Section 302 are not made out. The incident is a mob lynching incident that happened on the spur of the moment. There was no intention to murder the deceased. The villagers presumed the persons disguised as *Sadhus*, to be thieves, who were on a spree of abducting children. He submitted that as on date 42 persons, accused in the offence, are on bail and the role attributed to the present Applicants is similar to that of others enlarged on bail. The Applicants have already suffered incarceration of five and a half years and hence, they deserve to be enlarged on bail. Mr. Pawar also submits that there are no witnesses in the present case. Witnesses have only affirmed the presence of the Applicants at the location. He further submitted that the viral video panchanama is bereft of any evidentiary value. Lastly, he submitted that the act of assault was a collective action of 400 to 500 people and the injuries on the persons of the deceased as per the *post-mortem* report are a result of the mob assault, inflicted upon them. He

submits that the Applicants are poor and have suffered five and a half years of incarceration. In these circumstances, Mr. Pawar prays that the Applicants be enlarged on bail.

6. *Per contra*, Mr. Munde, learned Spl. PP, invited my attention to the role of the present Applicants. The role of the Applicants, as it appears in the charge-sheet, is as under:

Sunil @Satya Shantaram Dalvi	1. Assaulted Sushilgiri Rathodgiri Maharaj, Kalpavrikshagiri Maharaj and the driver of the car namely Nilesh Telgade, with big stones. 2. This accused recorded a video of the crowd, the deceased lying on the ground, on his mobile phone and later deleted it. This is supported by the evidence obtained from the forensic science laboratory. The messages regarding spreading of rumors were
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	stored in the phone. 3. While Kalpavrikshagiri Maharaj was lying near the CCTV camera pole, he was beaten brutally with a stick, with an intent to kill him. When he approached the police car, he was beaten very severely until he collapsed. He was seriously injured and mercilessly killed. The Applicant was one of the persons assaulting him. 4. This Applicant also pushed and beat one police official, Salunkhe, who came to save the victim, and incited the crowd to continue to lynch the victims.
Sajanya Barkya Burkhud	1. He incited the crowd to beat the passengers. 2. Sushilgiri Rathodgiri Maharaj and driver Nilesh

	Telgade, who were sitting in a police vehicle, were brutally beaten with a wooden stick inserted through the right middle window, causing serious injuries and killing them by this Applicant. He is also alleged to conspire with others to gather at the location and incite the mob to create more violence.
Vinod Ramu Rao	1. Kalpavrikshagiri Maharaj was brutally beaten with a wooden stick while he was going from the Eeco vehicle to the Forest Chowki and when he was lying near the CCTV camera pole at the scene by this Applicant. 2. Large stones were thrown at Sushilgiri Rathodgiri Maharaj and driver Nilesh Telgade through the

	middle door on the left side of the police vehicle. They were brutally beaten with a stick, causing serious injuries and killing them. 3. On 16.04.2020, he, convened a clandestine meeting of other persons namely 1) Vasant Ratna Kavathe, 2) Suresh Jethaya Rathad, 3) Vijay Savji Pilena, 4) Risha Savji Pilena, 5) Ramdas Kase Rao, 6) Sadu Lahanya Gavete, 7) Naresh Bablu Janathe and 8) Bahadur Bablu Janathe, and impressed upon them that these persons were thieves who had come to the village to abduct small children and they should be taught a lesson. This Applicant deliberately
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	incited the said persons to incite them into organizing a mob and turning the same into violence.
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7. Mr. Munde submitted that all the acts of the Applicants are either captured on CCTV or have been affirmed by the witnesses including one Vikas Kanoja, Dinesh Sakharam Borsa, Chitra Sevak Chaudhari, Vishnu Lahunu Bhavar, Shantaram Janu Borsa and Sonu Daji Borsa. Mr. Munde placed the statements of the witnesses on record. He thus, submits that the offence is serious and attracts a sentence of life imprisonment or death. Hence, the Application be rejected.

8. I have heard learned counsel for the respective parties and perused the record of the case with their assistance. Since one of the ground, on which Mr. Pawar seeks bail for the Applicants, is parity with some co-accused

enlarged on bail, it is necessary to consider the orders of this Court granting bail to the said co-accused.

9. I have perused the order dated 1st April, 2022, pertaining to i) Raju Mahadu Garud, ii) Raju Gopaji Garud, iii) Mahesh Janu Garud, iv) Vijay Savji Pilena, v) Risha Savji Pilena, vi) Lahanya K. Walakad, vii) Deepak Roopji Garud, viii) Sitaram Bhiklya Rathad, ix) Vijay Raghu Garud, x) Ratna Kalu Bhaway and xi) Sandesh Janu Garud. The role of these accused is also detailed in the said order. Only those accused have been granted bail against whom there is evidence in the charge-sheet to the effect that they have been identified/spotted on the CCTV footage and are accused of being part of the mob with some weapons but no overt act is attributed to them. The others whose bail application is rejected are those against whom there are overt acts evidenced in the CCTV footage, statement of witnesses of having hit the *Sadhus* with stick/log, threw stones on the car and clearly and actively participating in hitting the deceased. By order 1st April, 2022, this Court also granted bail to Mohan

Gavit. His role is also detailed in the said order. Again there is no overt act attributed to him. By a separate order dated 1st April, 2022, while granting bail to Ishwar Nipole and Firozbhau Sathe, this Court once again perused their role and noted that no overt act is attributed to them. By the same order, Bhau Sathe and Havasa Sathe were denied bail as they were seen assaulting the deceased with a stick and committing other overt acts. Thus, the co-accused, with whom the Applicant claims parity have been released on bail/denied bail on the basis of their individual role in the offence.

10. Insofar as the present Applicants are concerned, there are witnesses who have identified the Applicants as persons who physically assaulted the deceased with a wooden stick and an iron axe. They are also seen throwing stones on the victims. Insofar as Sunil Dalvi is concerned, the charge-sheet includes the forensic analysis of the CCTV footage, revealing his overt acts; the wooden club used in the offence and the clothes worn by him at the time of the offence, recovered pursuant to the Nivedan Panchanama; the mobile

phone on which, he was recording the violence; statement of witnesses who place him at the spot of incident; Test Identification Parade Panchanama. Insofar as Sajanya Burkud is concerned, the forensic report identifying him; the wooden club; his clothes and mobile phone recovered pursuant to the Nivedan Panchanama; statement of witnesses identifying him committing the overt acts; Test Identification Parade Panchanama; and more particularly, the statement of Chitra Sevak Chaudhary indicting him, are on record. Insofar as Vinod Rao is concerned, the charge-sheet includes CCTV footage; forensic report; statement of witnesses especially, statement of co-accused-Vasant Kavte recorded in his Nivedan Panchanama pertaining to the conspiracy; clothes worn by Vinod Rao at the time of committing the offence; and statement of witnesses namely, Vikas Kanoja and Shantaram Borsa. Thus, there is sufficient material on record to implicate the present Applicants. Hence, the principle of parity will not apply to the present Applicants.

11. In a recent decision, the Supreme Court in the matter of *Sagar v. State of UP and Anr.*¹, has discussed the principles enunciated in its earlier decisions and by various High Courts regarding determination of bail on the principle of parity. The Supreme Court has affirmed the decision of the Karnataka High Court in *Shri Narayanaswamy v. State of Karnataka*² and Calcutta High Court in *Subires Bhattacharya v. CBI*³. The observations of the Karnataka High Court in *Narayansamy (Supra)* are as under:-

“24. The law of Parity would be applied in granting bail to an accused, where the co-accused has been granted bail on similar set of circumstances. Law of Parity is a desirable rule where the case of accused/petitioner is identical with the co-accused, who is already enlarged on bail. Simply because the co-accused has been granted bail also cannot be the sole criteria for granting bail to another accused if they are standing on different footings.

25. Parity cannot be the sole ground for granting bail and if on scrutiny and examination of records in a given case it transpires that the case of the petitioner before the Court is identically similar to the accused, who has already been

1 2025 SCC OnLine SC 2584

2 2017 SCC OnLine Kar 1066

3 2024 SCC OnLine Cal 11889

granted bail, then it would be desirable that petitioner should also be enlarged on bail. However, if material placed by the prosecution and further developments in the investigation unraveling changed circumstances, this aspect also requires to be taken into consideration and in such circumstances the principle of Parity as an universal application or a straight jacket formula cannot be applied.”

12. The view of the Calcutta High Court in ***Subires (Supra)*** is as under:

“30. Parity cannot be the sole ground for granting bail even at the stage when the bail application of a co-accused is allowed. The Court has to satisfy itself that, on consideration of more materials placed, further developments in the investigations and other different considerations, there are sufficient grounds for releasing the applicant on bail. In deciding the aspect of parity, the role attached to the accused persons, their position in relation to the incident and to the victims is of utmost importance. Court cannot proceed on the basis of parity on a simplistic assessment, which again cannot pass muster under the law.”

13. What flows from the above decisions, as also upheld by the Supreme Court in ***Sagar (Supra)***, is that parity cannot be the sole ground on which bail is granted. Furthermore, there can be different roles played - someone part of a large group, intending to intimidate; an instigator of violence; someone who throws hands at the other side;

someone who fired a weapon or swung a machete - parity of these people will be the those who have performed similar acts, and not with someone who was part of the group to intimidate the other by the sheer size of the gathering, with another who attempted to hack away at the opposer's limbs with a weapon.

14. I have also perused the injury certificate of the police personnel, namely S.T. Katare, R.D. Salunke, S.R. Mukne, N.N. Dhodi, P.B. Padher and N.G. Waghod. All of them have suffered considerable injury at the hands of the main accused. The *post-mortem* report in respect of Kalpavrikshagiri Maharaj is also on record. His clothes are stained in blood; he has suffered a blunt object, his face is swollen, tongue is protruded and he has suffered a skull fracture in addition to other serious injuries. The cause of death is recorded as head injury leading to sub-archnoid hemorrhage. The injuries are all on the vital parts. The cause of death Kalpavrikshagiri Maharaj is also head injury and that

of Sushilgiri Maharaj is also sub-archnoid hemorrhage with injuries to his vital parts.

15. The role of all the accused is not identical. Some are part of the mob while some are accused of overt actions. The role of the Applicants in the charge-sheet is tabled herein-above. The material in the charge-sheet is sufficient to demonstrate overt acts. Thus, the arguments of Mr. Pawar seeking relief on the principle of parity must fail.

16. Insofar as the ground of long incarceration is concerned, admittedly, the Applicants have suffered incarceration of five and a half years. The investigation is taken over by the CBI only on 8th August 2025.

17. There is no denying the fact that the liberty of an individual is precious and is to be zealously protected by the Courts. Nonetheless, such a protection cannot be absolute in every situation. The valuable right of liberty of an individual and the interest of the society in general has to be balanced. Liberty of a person accused of an offence would depend upon

the exigencies of the case. It is possible that in a given situation, the collective interest of the community may outweigh the right of personal liberty of the individual concerned. In this context, the following observations of this Court in *Shahzad Hasan Khan Vs. Ishtiaq Hasan Khan*⁴, are quite apposite:

“Liberty is to be secured through process of law, which is administered keeping in mind the interest of the accused, the near and dear of the victim who lost his life and who feel helpless and believe that there is no justice in the world as also the collective interest of the community so that parties do not lose faith in the institution and indulge in private retribution.”

18. Taking into consideration the nature, gravity and seriousness of the offence and the circumstances of the case, and the reasonable apprehension of the witnesses being tampered with or the evidence being lost otherwise, and the Applicants not being available to face the trial without undue delay, in my view, this is not a fit case nor in the interest of justice, that the Applicants should be enlarged on bail. In any

⁴(1987) 2 SCC 684

case, the maximum sentence for the offence as alleged is life imprisonment or death. Hence, the incarceration undergone is not long incarceration in the facts and circumstances of the present case.

19. The Application is accordingly dismissed.

20. Since the Applicants have suffered incarceration of five and a half years and it is only recently that the investigation is transferred to the CBI, the CBI is directed to conclude the investigation expeditiously and file appropriate report before the Trial Court. The Applicants are at liberty to renew his prayer for bail after the investigation is completed by the CBI.

21. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)