

Ajit Pathrikar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4734 OF 2025**

1. Rupesh Tukaram Kamble	
2. Sagar Takaram Kable	...Applicants
Versus	
State Of Maharashtra	...Respondent

Mr. Ravi Dwivedi *a/w Aditya Gole, Sainath Baji, for the Applicant.*
Ms. Manisha R. Tidke, *APP for the State-Respondent.*
PI – Samsher Tadavi and PSI – Dipali Pawase, RCF Police Station, is present.

CORAM DR. NEELA GOKHALE, J.
DATED: 19th DECEMBER 2025

PC:-

1. The Applicants seek their release on bail in connection with 438 of 2024 dated 22nd July 2024 registered with the RCF Police Station for the offences punishable under Sections 103(1), 109, 61(2), 115(2), 352, 351(3), 189(2), 191(2), 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023 ('BNS'), Sections 4 and 25 of the Arms Act, 1959 and Sections 37(1) (a) and 135 of the Maharashtra Police Act, 1951.

2. There are in all six accused. Two accused namely Accused Nos. 5 and 6 are on bail. The present Applicants are Accused Nos. 3 and 4.

3. The facts of the case, as discerned from the FIR, are that there was a quarrel on 21st July 2024 in the late evening between the deceased and the main accused, namely Sitaram Jagtap. When the First Informant/injured went to save his friend, the deceased, from the assault by the Applicants and co-accused, one of the accused held the First Informant and the Applicants are alleged to have hit the First Informant with fists and blows along with co-accused, Sudhakar Ausarmal and Rupesh Vairale. It is the main accused, namely Sitaram Jagtap who removed the knife from his waist band and stabbed the deceased. The role attributed to the present Applicants is that when the co-accused held him from behind, the present Applicants are alleged to have punched the First Informant with fists and blows. Siddharth Kamble, who was stabbed by the main accused, was taken to the hospital, where

he succumbed to his injuries. The First Informant was also injured and received treatment in the hospital. Thus, the FIR was registered and the Applicants along with co-accused were arrested on 22nd July 2024.

4. The Applicants made an application seeking bail before the Sessions Court, Greater Mumbai. However, by order dated 4th November 2025, the said application was rejected. Hence, the Applicants are before this Court seeking the relief as prayed.

5. At the very outset, Mr. Ravi Dwivedi, learned Counsel for the Applicant, has drawn to my attention an order dated 18th July 2025 passed by this Court in the bail application made by the co-accused, Sudhakar Ausarmal. This Court, after hearing the matter on merits, held that on *prima facie* examination of the material on record, the main allegation of grievous assault, of using a knife, is directed only against the main accused, Sitaram Jagtap. The role attributed to the co-accused, who are enlarged on bail by this Court is limited to

holding the First Informant and trying to save the injured. This Court held that there was no specific allegation against the co-accused, that he was armed with any weapon or that he inflicted any injuries on the First Informant. Thus, this Court enlarged the co-accused, Sudhakar Ausarmal on bail.

6. Mr. Dwivedi submits that the role attributed to the present Applicants is identical to that of the accused who is granted bail by this Court. He thus submits that on the principle of parity, the present Applicants also be released on bail.

7. Ms. Manisha Tidke, learned APP, submits that the offence is serious. One person has lost his life and the First Informant has suffered grave injuries. She submits that there are various eyewitnesses whose statements have been recorded by the police. She further submits that since the offence under Section 302 attracts life imprisonment or death, as the case may be, this is not a case of long incarceration. Hence, she prays that the Bail Application be rejected.

8. I have heard learned Counsel appearing for the respective parties and perused the record with their assistance.

9. Undoubtedly, the offence is serious and attracts the sentence of life imprisonment or death. The Applicants were arrested only on 22nd July 2024 and as such, the incarceration cannot be said as lengthy incarceration. Be that as it may, this Court, by order dated 18th July 2025, has enlarged the co-accused, Sudhakar Ausarmal, on bail. This Court by its order dated 8th July 2025, has also enlarged another co-accused, Rupesh Vairale, on bail. I have perused the statements of the eyewitnesses and the material on record. The role attributed to the present Applicants is significantly identical to the role attributed to the co-accused who have been enlarged on bail. In these circumstances, the principle of parity must be applied.

10. Considering the aforesaid, I am inclined to enlarge the Applicant on bail and it is ordered as under:

ORDER

- i) The Applicants be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- each with one or two local sureties in the like amount;
- ii) The Applicants shall attend the Police Station concerned, on first Monday of every month between 10:00 a.m. and 12:00 p.m., till the charges are framed. They shall also attend the Trial Court concerned on each and every date as directed, till the conclusion of the trial, save and except if the Applicants are exempted from appearance by orders of the Trial Court.
- iii) If the Applicants have not deposited their passport, the Applicants shall deposit the same with the concerned Police Station, if any;
- iv) The Applicants shall not leave India, without permission of the trial Court;
- v) The Applicants shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vi) The Applicants shall inform their latest place of residence and mobile contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

vii) The Applicants to co-operate with the conduct of the trial;

viii) Any infraction of the aforesaid conditions shall entail cancellation of bail.

11. Application is allowed in the above terms and is accordingly disposed of.

12. 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)