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

**INTERIM APPLICATION NO.1115 OF 2025
IN
CRIMINAL APPEAL NO.536 OF 2019**

Naresh Rajaram Sonaji Owal .. Applicant

vs.

The State of Maharashtra .. Respondent

Advocate Sherali Khan with Ms. Jahnvi S. Karnik for the Applicant.

Ms. Kranti T. Hiwrale APP for the Respondent-State.

**CORAM : SARANG V. KOTWAL &
SHYAM C. CHANDAK, JJ.**

DATE : 8th JULY, 2025

P. C. :

1. This is an Application for bail pending Appeal filed by the Applicant, who was accused No.5 in Sessions Case No.1133 of 2013 before the Additional Sessions Judge, Greater Mumbai. The learned Judge vide his Judgment and Order dated 02/02/2019 convicted the Applicant and four others for commission of offences punishable under Sections 143, 144, 145, 148 and 149 read with Section 302 of I.P.C. The major sentence imposed on the Applicant was life imprisonment besides imposition of the fine.

2. The Appeal is already admitted.
3. This is the third time that the Applicant has preferred bail Application. On the first occasion, the Applicant had preferred Interim Application No.1 of 2019 in Criminal Appeal No.536 of 2019. It was rejected vide the order dated 10/10/2019. After that, he preferred Interim Application No.450 of 2024 in Criminal Appeal No.536 of 2019. On this occasion, another Division Bench of this Court vide the order dated 15/02/2024 permitted withdrawal of that Application but this time a liberty was granted to the Applicant to file a fresh Application for bail, if the Appeal was not taken up for hearing within a period of one year from 15/02/2024.
4. The learned Counsel for the Applicant submitted that the period of one year is over and therefore pursuant to that liberty, the present Application is filed. There is also change in circumstance because the co-accused Rahul Shardul is granted bail vide the order dated 25/02/2025 passed by another Division Bench in Interim Application No.3158 of 2024 in Criminal Appeal No.356 of 2019. One more co-accused Santosh Nakul was granted bail by the order dated 8/10/2024 passed in Interim Application No.3634 of 2024 in Criminal Appeal No.357 of 2019. One more co-accused Suresh Kamble was granted bail vide the order dated 01/04/2024 passed in Interim Application No.4229 of 2023 in Criminal Appeal No.516 of 2019.

Therefore, there is substantial change in circumstances.

5. In this background, we have heard learned Counsel for the Applicant and we have perused the evidence of the eye witnesses to see whether the role attributed to the Applicant is different from the role attributed to the other accused who were granted bail.

6. The learned APP submitted that the offence is serious and the Applicant is attributed a particular role. She therefore opposed grant of bail. However, she could not argue that the parity would not apply to the present Applicant.

7. The case pertains to murder of one Arjun Oza committed on 08/09/2013 at about 2.30 pm. The prosecution case is that Suresh Kamble, Rahul Shardul and the present Applicant were having sharp weapons. Suresh had a Knife, Rahul had a chopper and the Applicant was carrying a sword. They were accompanied by two more persons. They assaulted Arjun Oza with their weapons on his stomach, back, head and shoulder. PW4 is another eye witness. He has described the incident but he did not name any of the accused as he was not knowing them. In the court he identified the accused Suresh, Rahul and Santosh. He did not identify the Appellant. Thus, to that extent, the Applicant's case is on a better footing than Suresh Kamble and Rahul Shardul, as far as PW4's evidence is concerned. All the

other co-accused are granted bail by the different orders passed by different Benches. Therefore, on the principles of parity alone, the Applicant deserves to be released on bail particularly in the background of the liberty granted to him to renew his prayer for bail by the previous order.

8. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.536 of 2019, the Applicant is directed to be released on bail on his furnishing a P.R. bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with one or two sureties in the like amount.
- (ii) Interim Application stands disposed of accordingly.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)