

Priya Soparkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1528 OF 2025
IN
CRIMINAL APPEAL NO. 1408 OF 2018
WITH
CRIMINAL APPEAL NO. 1408 OF 2018
WITH
INTERIM APPLICATION NO. 1470 OF 2024
IN
CRIMINAL APPEAL NO. 1408 OF 2018

Akash @ Ilu Jaydrath Kakade

...Applicant

In the matter between:

Jaydrath Pralhad Kakade and ors.

...Appellants

Versus

The State of Maharashtra

...Respondent

Mr. Ganesh Gole i/by Mr. Ateet Shirodhar, for the Appellants and
for the Applicant in Interim Application No.1528 of 2025.
Ms. Geeta P. Mulekar, APP, for the Respondent-State.

CORAM: SUMAN SHYAM &
SHYAM C. CHANDAK, JJ.

DATED: 6TH AUGUST 2025.

PC:-

1. The Applicant herein was the accused No.1 facing trial in Sessions Case No.240 of 2015 alongwith three other accused persons for the offence punishable under Sections 302, 326, 504,

506 r/w 34 of the Indian Penal Code (**IPC**). On conclusion of trial, the accused was convicted and awarded the major sentence of Rigorous Imprisonment for life. The Applicant herein was arrested in the month of May, 2015 and since then, he is in jail. The instant application has been filed under Section 389 of the Code of Criminal Procedure (**Cr.P.C.**) praying for suspension of jail sentence and for his release on bail pending disposal of the connected appeal.

2. Mr. Ganesh Gole, learned counsel for the Applicant submits that since the co-accused persons have already been released on bail, hence by way of parity, the Applicant be also released on bail, since the allegations and the evidence available against the accused Nos.1 to 3 are identical. In support of his above arguments, learned counsel for the Applicant has invited our attention to the order dated 31st October, 2023 passed by this Court in Interim Application No. 1169 of 2020 arising out of Criminal Appeal No. 1408 of 2018 (Coram: Nitin W. Sambre and N. R. Borkar, JJ.) filed by the accused No.3 as well as the order dated 5th April, 2024 passed in Interim Application No.189 of 2024 arising out of Criminal Appeal No.1408 of 2018 (Coram: Revati Mohite Dere and Manjusha Deshpande JJ.) filed by the accused No.2, to submit that his client is ready and willing to abide by any condition imposed by the Court, if he is also released on bail.

3. We find from the record that the basic allegations brought against the accused Nos.1 to 3 is for causing assault on deceased by iron rod. The death was, however, caused by the single injury on the chest leading to the death of the deceased.

4. Ms. Mulekar, learned APP has submitted, in her usual fairness, that the principle of parity would be applicable in the instant Applicant.

5. After scanning the materials on record and upon analysing the submissions made by the learned counsel for the parties, we are inclined to pass the following order:-

ORDER

i. The Applicant, viz, Akash @ Ilu Jaydrath Kakade shall be released on bail in connection with C.R.No.I-149 of 2015 (Sessions Case No.240 of 2015) registered with Upnagar Police Station, District Nashik on furnishing PR Bond of sum of Rs.25,000/- with one or two sureties in the like amount, to the satisfaction of the learned Trial Court.

ii. The Applicant shall maintain good behaviour and shall not indulge in any anti-social activity while on bail.

iii. The Applicant shall appear before the learned Trial Court once in every three months, on the date by the

satisfaction of the learned Trial Court, until such time, the pending Appeal is finally disposed of.

iv. The Applicant shall keep the Investigating Officer informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time.

v. The Applicant shall ensure due representation before this Court through their engaged counsel as and when the appeal is listed before this Court.

6. It is made clear that violation of any of the above mentioned condition shall be viewed seriously by this Court and may even invite appropriate orders including an order of cancellation of bail.

7. Interim Application No. 1528 of 2025 stands allowed and disposed of accordingly.

(SHYAM C. CHANDAK, J.)

(SUMAN SHYAM, J.)