



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL APPLICATION (BA) NO. 1172/2025**

Sagar s/o. Sunil Kamble Vs. State of Maharashtra

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

Mr. S. V. Sirpurkar, Advocate for the Applicant.  
Ms T. H. Udeshi, A.P.P. for the Non-applicant/State.

**CORAM : MRS.VRUSHALI V. JOSHI,J.**

**DATED : 02/12/2025.**

. Heard.

2. The applicant is arrested in Crime No.161/2025 for the offence punishable under Sections 189(2), 191(2), 191(3), 190, 109, 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023.

3. It is the case of the prosecution that the mother of the injured has lodged the complaint. There was dispute between the families of Ajay Shelke and the injured Vijay. On 18.04.2025 at about 10.30 p.m., the applicant along with other co-accused assaulted Vijay and he had injuries. Vijay has mentioned the name of this applicant. Initially, he has stated to her mother that Ajay along with other co-accused has assaulted him. The name of this applicant was not mentioned. But in his statement, which was recorded on next day, he has mentioned the name of this applicant and the crime is registered.

4. The learned Counsel for the applicant has stated that the name of this applicant is not mentioned in the First Information Report. The statement of the injured was recorded on the next day. He was in hospital for one day. There was enmity between the applicant and the victim. The accused No.1 has lodged the complaint prior in

time. The injured was having some mental problem and there was enmity between accused No.1 and the victim/injured. The name of this applicant is not mentioned in the First Information Report and his role is not mentioned. The ground of parity is available as this Court has granted bail to one Sachin Hatkar, whose name was not mentioned and the role attributed to this applicant is same. Accused Sachin Hatkar and one more accused Nagesh Khandare are released on bail. Hence, the ground of parity is available to this applicant.

5. Learned A.P.P. has opposed the application stating that the applicant was with the main accused Ajay. The victim/injured has mentioned the role of this applicant, therefore, the ground of parity is not available to this applicant. The intention was there and he was with accused No.1 and has followed the victim to the house of Rathod. There are criminal antecedents against this applicant. Hence, prayed to reject the application.

6. Heard the learned Counsel for the applicant and the learned A.P.P. for the State.

7. On perusal of the First Information Report it appears that the name of accused No.1 is mentioned by the first informant and offence is registered against unknown persons. The statement was recorded on the next day. The injured has mentioned the name of this applicant. However, he has not mentioned the specific role of this applicant. The applicant has disclosed his antecedents. He is acquitted in earlier offence. Only because the name is mentioned by the victim/injured, crime is registered against this applicant. It is the case of the applicant that

the accused No.1 has assaulted the complainant in his self defence. The accused No.1 is also having injury. As there is no role attributed to this applicant and the co-accused, who is having similar role, has already been released on bail by this Court, the ground of parity is available. Accordingly, I proceed to pass the following order :

- i] The criminal application is allowed.
- ii] The applicant shall be released on bail in connection with Crime No.161/2025 for the offence punishable under Sections 189(2), 191(2), 191(3), 190, 109, 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023, on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- iii] The applicant shall not in any way tamper with the prosecution evidence.
- iv] The applicant shall not pressurize or threaten the prosecution witnesses.
- v] The applicant shall attend the concerned Police Station on every Monday and Saturday between 1:00 p.m. to 2:00 p.m.
- vi] The applicant shall co-operate the Investigating Officer.

The Criminal application is disposed of accordingly.

**(MRS. VRUSHALI V. JOSHI, J.)**