IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1593 OF 2026

Kamlakar Hanumantrao Shriganesh ..APPLICANT

VERSUS

State of Maharashtra and Another ..RESPONDENTS

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Mr. V.P. Patil, Advocate for applicant
Mr. S.D. Ghayal, A.P.P. for respondents
Mr. S.T. Mahajan, Advocate for informant

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CORAM : HITEN S. VENEGAVKAR, J.
DATE : 07th OCTOBER, 2026

PER COURT :

1. Heard learned counsel for the applicant and learned A.P.P. for State and also learned counsel appearing for the informant.

2. Present application of the applicant is the successive bail application filed for regular bail on account of his arrest in connection with F.I.R. bearing Crime No. 154 of 2024 registered with Marwad Police Station, Dist. Jalgaon for the offences punishable under Sections 103(1), 352, 351(1), 189(1), 191(1), 191(3), 190 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and also under Sections 37(1)(c) and 135 of Maharashtra Police Act.

3. Learned counsel for the applicant submits that earlier application preferred by the present applicant alongwith co-accused – Manoj Shriganesh,

bearing Bail Application No. 423 of 2025 was rejected by this Court by order dated 07th April, 2025. The said order was assailed before the Hon'ble Apex Court by way of Special Leave Petition (Criminal) Diary No. 69592 of 2025. The Hon'ble Apex Court dismissed the said petition. He submits that thereafter the co-accused – Nitin Pawar preferred an application bearing Bail Application No. 205 of 2026 which came to be allowed and the co-accused Nitin Pawar was enlarged on bail by this Court by order dated 25th March, 2026. After co-accused – Nitin Pawar was released on bail, the other co-accused, whose bail application was rejected alongwith the present applicant's bail application, Manoj Shriganesh, Rohit Patil and Amol Koli preferred Bail Application Nos. 882 of 2026, 889 of 2026 and 618 of 2026 respectively. The said applications were allowed by this Court by order dated 24th July, 2026 and they were enlarged on bail. The present application, therefore, preferred by the present applicant, though successive application under maintainability on the ground that co-accused persons, including the accused whose bail application was rejected alongwith the present applicant is allowed and they are enlarged on bail. The present application is merely filed on the ground of parity and no other grounds on merits are being agitated.

4. Learned counsel for the applicant invites attention of this Court to the orders which are referred hereinabove and submits that the present applicant is in par with the other accused persons, who are released on bail.

Applying the principles of parity, the present applicant also deserves to be enlarged on bail.

5. Learned A.P.P. though accepts that the order of release of co-accused persons on bail, as referred above, indicates that the other co-accused persons are released on bail, yet he submits that the principle of parity will not apply and in the heinous offence individual role of the present applicant will have to be considered. He submits that taking into consideration the individual role of the applicant, the earlier Court has rejected the application and merely co-accused are released on bail, this application cannot be said to be tenable. He further submits that the offence being serious and heinous in nature, present application be rejected.

6. Learned counsel for the informant reiterated the submissions made by learned A.P.P. and prays for rejection of the application.

7. I have perused the record and have also considered the orders passed by this Court and the orders of the Hon'ble Apex Court. It is pertinent to mention that the order dated 24th July, 2026 of this Court granting bail to the co-accused – Manoj Shriganesh, Rohit Patil and Amol Koli was assailed by the complainant – Vitthal by filing Petition(s) for Special Leave to Appeal (Crl.) No. 16151-16154/2026 before the Hon'ble Supreme Court, which came to be rejected on 07th September, 2026 thereby confirming the bail granted to those accused persons.

8. The prosecution story in brief is that on account of damage to two wheeler of deceased, there was some quarrel with some persons occupying a four wheeler vehicle. Even the informant himself stated that dispute was resolved, but later on, there are allegations that a four wheeler car chased deceased - brother of informant and gave dash to him and after he fell down, he was allegedly assaulted by six persons named in the FIR including present applicant. According to him, who did what is not stated in the FIR.

9. Perusal of the allegations made in the F.I.R. and the record available by way of charge-sheet suggests that all the accused have assaulted the deceased and have caused injuries to which the deceased has subsequently succumbed. The role of the applicant thus cannot be differentiated from the role that has been attributed to the accused persons, who have been released on bail. Taking into consideration the allegations and the role attributed, I am of the opinion that principles of parity applies and the present applicant also deserves to be released on bail.

ORDER

(i) The Bail Application is allowed.

(ii) The applicant shall be released on bail in Crime No. 154 of 2024 registered with Marwad Police Station, Dist. Jalgaon for the offences punishable under Sections 103(1), 352, 351(1), 189(1), 191(1), 191(3), 190 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and also under Sections 37(1)(c) and 135 of Maharashtra Police Act, on furnishing a

personal bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount, subject to the following conditions :

a) The applicant shall not contact the prosecution witnesses or tamper the prosecution evidence.

b) The applicant shall not enter the vicinity where informant and his family reside, till conclusion of trial.

c) The applicant shall co-operate the Investigating Officer for furnishing any information, if required.

(iii) Bail Application is disposed of in the above terms.

(HITEN S. VENEGAVKAR, J.)

SSD