Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1340 OF 2026

Omkar Pandurang Shendge .. Applicant
Versus
State of Maharashtra .. Respondent

WITH
BAIL APPLICATION NO. 1210 OF 2026

Deepak Lunda Kokate .. Applicant
Versus
State of Maharashtra .. Respondent

WITH
BAIL APPLICATION NO. 2363 OF 2026

Kartik Kailas Chavan .. Applicant
Versus
State of Maharashtra .. Respondent

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- Ms. Shubhangi Parulekar, Advocate for Applicant in Bail Application Nos.1340 of 2026 and 2363 of 2026.
- Mr. Shailesh Kharat, Advocate for Applicant in Bail Application No.1210 of 2026.
- Ms. Shilpa G. Talhar, APP for Respondent – State in all Bail Applications.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 08, 2026.

P.C.:

1. Heard Ms. Parulekar, learned Advocate for Applicant in Bail Application Nos.1340 of 2026 and 2363 of 2026; Mr. Kharat, learned Advocate for Applicant in Bail Application No.1210 of 2026 and Ms. Talhar, learned APP for Respondent – State in all Bail Applications.

2. Bail Application No.2363 of 2026 is filed by Applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking bail in connection with C.R. No.554 of 2026 registered with Wakad Police Station for offences punishable under Sections 302, 120(B), 341, 143, 145, 147, 148 and 149 of the Indian Penal Code (for short 'IPC') and Sections 3(1)(ii), 3(2), 3(3) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999 and Sections 4, 25 and 27 of the Arms Act, 1959 and Section 135, 37(1) and 37(3) of Maharashtra Police Act, 1951. The First Information Report is filed on 02.05.2024 and Applicant came to be arrested on 23.07.2024.

3. Bail Application No.1340 of 2026 is filed by Applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking bail in connection with C.R. No.554 of 2026 registered with Wakad Police Station for offences punishable under Sections 302, 120(B), 341, 143, 145, 147, 148 and 149 of the Indian Penal Code (for short 'IPC') and Sections 3(1)(ii), 3(2), 3(3) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999 and Sections 4, 25 and 27 of the Arms Act, 1959 and Section 135, 37(1) and 37(3) of Maharashtra Police Act, 1951. The First Information Report is filed on 02.05.2024 and Applicant came to be arrested on 02.05.2024.

4. Bail Application No.1210 of 2026 is filed by Applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for

short 'BNSS') seeking bail in connection with C.R. No.554 of 2026 registered with Wakad Police Station for offences punishable under Sections 302, 120(B), 341, 143, 145, 147, 148 and 149 of the Indian Penal Code (for short 'IPC') and Sections 3(1)(ii), 3(2), 3(3) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999 and Sections 4, 25 and 27 of the Arms Act, 1959 and Section 135, 37(1) and 37(3) of Maharashtra Police Act, 1951. The First Information Report is filed on 02.05.2024 and Applicant came to be arrested on 02.05.2024.

5. Bail Application No.1340 of 2026 is filed by Applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking bail in connection with C.R.No.554 of 2026 registered with Wakad Police Station for offences punishable under Sections 302, 120(B), 341, 143, 145, 147, 148 and 149 of the Indian Penal Code (for short 'IPC') and Sections 3(1)(ii), 3(2), 3(3) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999 and Section 4, 27 and 25 of the Arms Act, 1959 and Section 37(1) and 37(3) of Maharashtra Police Act, 1951. The First Information Report is filed on 02.05.2024 and Applicant came to be arrested on 02.05.2024.

6. It is prosecution's case that on 01.05.2024 the co - accused murdered the friend of the first informant on the ground of old dispute. The allegation against the Applicants are that they used weapons to commit the crime.

7. It is the contention of learned Advocate for the Applicants that Accused No.3 and Accused No.10 are behind bars for more than 2 years and 5 months and Accused No.1 is behind bars for 2 years and 11 months. The co - accused, against whom similar and serious allegations are made, have been released on bail by this Court, hence, Applicant is entitled for bail on the ground of parity. Hence they request to allow the Application.

8. It is contention of learned APP that dangerous weapons are used by the accused persons in the crime and the Applicants have antecedents. It is submitted that if released on bail, they may abscond or threaten the prosecution witnesses. Hence request is to reject the Bail Applications.

9. I have heard the learned Advocates appearing for the parties and with their able assistance, perused the record of the case. Submissions made by learned Advocates at the bar have received due consideration of the Court.

10. The Applicants are behind bars for more than 2 years and 5 months. To prove the case against the Applicant, trial is required. The other co - accused viz Ganesh Dhamale, Kamlesh Pathare, Anil Chorge, Nilesh Mudliyar and Roshan Solanke against whom serious allegations are made which are on a higher footing than the Applicants have already been released on bail by this Court. Considering these facts,

the Applicants are entitled to bail on the ground of parity.

11. Hence, in view of above *prima facie* observations and findings, Bail Applications of Applicants are allowed subject to the following terms and conditions:-

(i) Applicants are directed to be immediately released from prison in connection with CR. No.554 of 2024;

(ii) Applicants are directed to be released on bail on furnishing P.R. Bond of Rs.25,000/- each (Rs. Twenty Five Thousand only) with one or two sureties in the like amount;

(iii) Applicants shall report to the Investigating Officer at concerned Police Station, once every month, on the first Monday of the month between 10:00 a.m. to 12:00 p.m. until commencement of trial and thereafter shall attend all dates of hearing before the Trial Court;

(iv) Applicants shall cooperate with the conduct of the trial and remain present before the Trial Court on all dates, unless specifically exempted. Applicant shall not seek unnecessary adjournments. Any such conduct shall entitle the prosecution to apply for cancellation of bail;

(v) Applicants shall not leave the State of Maharashtra

without prior permission of the Trial Court;

(vi) Applicants shall not influence any of the witnesses or tamper with the evidence in any manner;

(vii) Applicants shall keep the Investigating Officer informed of their current residential address and mobile telephone number and shall forthwith inform the Investigating Officer of any change in their residential address or mobile telephone number, as and when such change occurs; and

(viii) Any breach or infraction of any of the aforesaid conditions shall entail cancellation of the bail granted to the Applicant.

12. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made hereinabove in this order.

13. Bail Applications are allowed and disposed in the above terms.

[MILIND N. JADHAV, J.]

Ajay

AJAY TRAMBAK UGALMUGALE

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