HEMANT CHANDERSEN SHIV
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1658 OF 2026

Dhanesh Maruti Thorat .... Applicant
V/s.
State of Maharashtra ...Respondent

Mr. Prashant Pandey with Dinesh Jadhwani, M.Ridhima and Neha Balani i/b W3Legal LLP for the Applicant.
Mr. Mahesh Mule, Spl.P.P. with Ankit Takle, Sakshi Tambat for Respondent
Mr. H. J. Dedhia, APP for the Respondent – State.

CORAM: SHYAM C. CHANDAK, J.
DATED: 17th AUGUST 2026

P.C. :-

1. Heard learned Counsel for the parties. Perused the record.

2. Present Application seeks release of the Applicant on bail in Special Case MCOC No.293/2020, pending before the Sessions Court at Thane, which is arising out of C.R. No.490 of 2019 registered with Nerul police station, Navi Mumbai for the offence punishable under Sections 302, 364, 120-B, 201, 212 read with 34 of the Indian Penal Code, 1860 ("IPC") and under Sections 3, 25 and 27 of the Arms Act, read with 37(1), 135 of the Bombay Police Act and Sections 3(1)(i), 3(2), 3(3) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999 ("MCOC Act").

3. In brief, the case of the prosecution is that, on 14.09.2019, at about 9.30 p.m., the deceased, Sachin Garje, was abducted in a *Skoda* car bearing registration No. MH-14-FM-5099 by co-accused Pritam Kohli and his associate. Thereafter the deceased was not traceable. Therefore, his father lodged a Report. Initially, said

Report was registered under Section 364 and Section 34 of the IPC. During investigation, statements of witnesses were recorded. It revealed that after the abduction, the deceased was taken to a hill in the Navi Mumbai area, where, he was murdered by co-accused persons. Thereafter, his body was thrown into a water reservoir. The dead body was subsequently retrieved and buried in marshy land. However, again the dead body was exhumed, burnt and, the remains were crushed and thrown into a river. Upon completion of the investigation, a charge-sheet came to be filed, followed by a supplementary charge-sheet.

4. It is alleged that, after the commission of the murder by the gang leader and the co-accused, the Applicant, along with his wife Jagruti, harboured them. Considering these allegations, the trial Court declined to release the Applicant on bail. Hence, he is before this Court.

5. Mr. Pandey, learned Counsel appearing for the Applicant, submitted that, as per the prosecution case, the Applicant was not present at the time and spot, from where the deceased was abducted and subsequently murdered. The role attributed to the Applicant is similar to the role of his wife Jagruti and his mother-in-law, i.e., harbouring the co-accused persons. Applicant's wife Jagruti and mother-in-law both have already been enlarged on bail. Therefore, by applying the principle of parity, the Applicant is also entitled to be released on bail.

6. Mr.Mule, learned Spl.P.P. submitted that the Applicant has aided the gang leader and his associates for procuring the firearms and live cartridges, which were used while committing the murder of deceased. The Applicant is involved in other three cases under the provisions of MCOC Act. Therefore, the Applicant is not entitled for bail.

7. I have considered these submissions and perused the material placed on record. It is borne out from the record that the co-accused, Jagruti, is the wife of the Applicant and the sister of the alleged gang leader, Vikrant Deshmukh. Mr. Pandey pointed out the affidavit filed before the Hon'ble Supreme Court opposing the Bail Application of the said Jagruti, therein, it was alleged that she had aided in procurement of the firearms and had provided her *Skoda* car for the abduction of the deceased. It was further alleged that, after the commission of the murder, the gang leader and his associates had taken shelter at the residence of Jagruti and that she had thereby harboured them. This submission is not disputed by Mr. Mule.

8. Thus, it is not in dispute that the role attributed to the present Applicant is substantially similar to the role of his wife Jagruti and, his mother-in-law. The Applicant, his wife Jagruti and, his mother-in-law are co-accused in three other cases registered under the provisions of the MCOC Act. However, his wife Jagruti and the mother-in-law have been granted bail in the said cases.

9. In the wake of above, the Applicant is entitled to be released on bail on the ground of parity. Hence, following Order :-

(i) The Applicant – Dhanesh Maruti Thorat be released on bail in aforesaid FIR registered with Nerul police station, Navi Mumbai, on his executing P.R. Bond in the sum of Rs.2,00,000/- with one or two sureties in the like amount.

(ii) The Applicant shall mark his attendance at Nerul police station, Navi Mumbai on 1st and 16th day of each calender month between 11:00 a.m. to 2:00 p.m. till conclusion of the trial.

(iii) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(iv) The Applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence upon the prosecution witnesses to prevent them from deposing against him.

(v) On being released from jail, the Applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(vi) The Applicant shall not indulge in identical activities for which he has been arraigned in this case.

(vii) It is clarified that any observation made in the present order are for the purpose of deciding the present Bail Application and should not influence the out come of the trial and also not be taken as an expression of opinion on the merits of the case.

10. At this stage, as requested by Mr.Pandey, learned Counsel, the Applicant is granted six weeks time to furnish the surety. Till then, the Applicant be released on bail on his executing a P.R. Bond in the sum of Rs.2,00,000/- and depositing a sum of Rs.2,00,000/- in lieu of furnishing the surety. On furnishing such surety/ies, the amount of Rs.2,00,000/- shall be returned to the Applicant.

11. Bail Application is disposed of in the aforesaid terms.

(SHYAM C. CHANDAK, J.)