

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.4312 OF 2025

Avinash Namdev Kadam @ Avinash Namdeo ...Applicant
Kadam

Versus

The State of Maharashtra ...Respondent

WITH

CRIMINAL BAIL APPLICATION NO.3643 OF 2025

Amit Joginder Vishwakarma ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH

CRIMINAL BAIL APPLICATION NO. 4250 OF 2025

Sahil Sikandar Kadam @ Saahil and Anr ...Applicants

Versus

The State of Maharashtra ...Respondent

Mr. Samarth Shrikant Karmarkar a/w Tarun Shailesh Shrivastava, Adarsh Ashok Mishra i/b Karmarkar & Associates for the Applicant in BA. 4250/2025.

Mr. Bharat K. Manghani for the Applicant in B.A. 3643/2025

Mr. Mallika Ingale for the Applicant in B.A. 4312/2025.

Mrs. S.D. Shinde, APP for the Respondent-State.

Mr. Gaurav Shukla a/w D. Shukla i/b Apex Juris LLP for the Intervenor.

Mr. Hemant Kadukar, PI, Dindoshi Police Station, Mumbai

CORAM: R. M. JOSHI, J.

DATED: 18th APRIL, 2026

PC:-

1. The applicants seeks bail in connection with CR. No. 837 of 2024 registered with Dindoshi Police Station for the offences punishable under Sections 103(1), 115(2), 352, 324(4), 189(2), 189(4), 190, 191(2) 74 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, (for short '**BNS**') and Section 135 of the Maharashtra Police Act.

2. Applicants seeks bail on parity, in this regard reference is made to the order dated 06.03.2026 passed by this Court in Criminal Bail Application bearing No. 4676 of 2025. Learned counsel for the applicants, considering identical role attributed to the applicants, they are entitled to enlarged on bail on parity.

3. Learned counsel for the intervener opposes the application on the ground that, while passing earlier order, the intervener was not heard. It is his submitted that, having regard to the material evidence on record, the offence of murder is attributable to the applicant. It is his further submitted that apart from the assault was caused on the deceased, the act of the accused in preventing the deceased from being taken to a nearby hospital indicates their intention to to cause his death. Learned counsel for the Intervenor also states that the order dated 06.03.2026 passed by this Court in

Criminal Bail Application No. 4676 of 2025 has been taken exception to the Hon'ble Supreme Court, and is yet to be decided.

4. Learned APP opposes the application by reiterating submissions made at the time of hearing of the Criminal Bail Application No. 4676 of 2025.

5. This Court after taking into consideration the chargesheet and material placed on record has recorded *prima-facie* finding with regard to the applicability or otherwise of the charge of murder against the accused persons. It is not open for this Court to record any contrary findings to the one already recorded. Having regard to the identical role of applicants as compared to the accused enlarged on bail, this is a case to apply parity. In any case, since the bail is granted on parity, in the event Hon'ble Supreme Court interferes in the order passed by this Court order dated 06.03.2026, the same would apply to present applicants.

6. Hence, following order:-

ORDER

a) The Bail Applications stand allowed.

- b) The applicant(s) be enlarged on bail in connection with CR. No. 837 of 2024, registered with Dindoshi Police Station on furnishing PR Bond of Rs. 15,000/- with one solvent surety in the like amount to the satisfaction of the Trial Court.
- c) The applicant not to interfere into the evidence of the prosecution in any manner whatsoever.
- d) The applicant to attend all dates of hearing before the Trial Court unless exempted by passing specific order.

(R. M. JOSHI, J.)