

Navnath Waghmare (RA)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4332 OF 2025

Omkar Chandrakant Baraskar

...Applicant

*Versus*

The State Of Maharashtra

...Respondent

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Mr. Vinod Kashid for the Applicant.

Mr. S.K.Gajare APP for the State.

Mr. N.B. Gaikwad, Shivaji Nagar Police Station, Ambernath.

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CORAM: R. M. JOSHI, J.

DATED: 02<sup>nd</sup> APRIL, 2026

PC:-

1. Applicant seeks bail in connection with CR. No. I-172 of 2021 registered with Shivaji Nagar Police Station, District Thane for the offences punishable under Sections 302, 341, 143, 147, 148, 149, 323, 506 of the Indian Penal Code and 37(1) and 135 of the Maharashtra Police Act.

2. In short the case of the prosecution is that on 06.07.2021 at about 11:15 p.m. and incident occurred at the spot wherein the informant and deceased were assaulted by the applicant and co-accused. There is allegation in the First

Information Report that present applicant and one more co-accused caught hold the deceased and the accused no.1 assaulted him with chopper. In the said incident he sustained serious injuries and succumbed thereto. On the basis of the said information offence came to be registered and on conclusion of investigation chargesheet has been filed.

3. Learned counsel for the applicant at the outset submits that Accused No.5 Rohit Jagdale is enlarged on Bail by this Court order dated. 11.10.2023 and Accused No.4 Amit Singh is also enlarged by Trial Court order dated. 21.01.2025. It is his submission that considering the statement of eye-witness to the incident i.e. Akshay, role attributed to the present applicant is similar to the one attributed to the accused Nos. 4 and 5. He claims that applicant has not criminal history. It is further submitted that inspite of the fact chargesheet has been filed in the year 2021 till date charges have not been framed and therefore, there is no likelihood of completion of trial in reasonable time.

4. Learned APP opposed the application in by contending that the F.I.R indicates that the present applicant was one of the persons who caught hold the deceased to facilitate the assault to be caused on him by accused no.1. It is her submission that in the said incident injured died and owing to the serious nature of offence, it is not a fit case for grant of bail.

5. *Prima-facie*, perusal of the record though indicates that the first informant states about present applicant and one of the co-accused who caught hold of the deceased in order to facilitate the assault to be caused to him by the accused no.1. However, statement of eye-witness i.e. Akshay gives altogether different version of the said incident. He specifically said about the assault of deceased being caused by accused no.1 and further accused having caught hold of informant and beating him with fist and kick blows. This Court therefore, finds substance in the contention of learned counsel for the applicant that there is no difference in the role attributed to the present applicant as compared to accused no. 4 and 5.

Since two views for same evidence are possible, one in favor of accused deserves acceptance. Applicant has no criminal history and hence there remains no reason to apply parity.

6. Hence, following order:

**ORDER**

- i) Application Stands allowed.
- ii) Applicant be enlarged on bail in Crime No. 172 of 2021 registered with Shivajinagar Police Station, Ambernath, District Thane on executing PR Bond in the sum of Rs. 30,000/- with one or two sureties in the like amount.
- iii) Applicant shall attend the concerned police Station one month i.e. on first Monday between 11:00 a.m. to 3:00 p.m. till framing of charge.
- iv) Applicant shall inform his latest place of residence and mobile number immediately after being released and /or change of residence or mobile details, if any, from time to time to the Investigating Officer.

v) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the above observations are made only for the purpose of granting bail and the trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

10. The observations made in this order are *prima-facie* in nature and wil not bind parties on trial Court during trial.

(R. M. JOSHI, J.)