

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4340 of 2025

Kaushal Mahendra Kini

...Applicant

Versus

The State Of Maharashtra And Anr

...Respondents

Mr. Rajas Naik, Advocate for the Applicant.

Mr. H. J. Dedhia, APP for the State.

Ms. Komal Sinha, Advocate for Respondent No. 2.

CORAM R. M. JOSHI, J.
DATED: 21th April, 2026

PC:-

1. Applicant is seeking bail in connection with Crime No. 35/2025 registered with the Kelva Sagari Police Station, Palghar, for the offences punishable under Sections 64(2)(k)(m), 76, 3(5) of Bhartiya Nyaya Sanhita, 2023, (for short "BNS").

2. In Short, it is a case of the prosecution that a co-accused attempted to commit rape on the victim girl who is deaf and mute. The allegation against the applicant is that he abetted the said act by standing outside, guarding the place.

3. Learned counsel for the applicant submits that the main accused has been enlarged on bail by this Court in Bail Application No. 4185 of 2025 by order dated 11th March 2026. It is his submission that in view of same on parity, applicant is entitled for bail.

4. Learned APP and counsel for the Respondent No.2 opposed the application. It is their contention that the offence alleged is of serious nature and since the applicant is said to have abetted the commission of crime, the application be rejected.

5. Once it is not in dispute that the main accused against whom the offence of attempt to rape was charged is enlarged on bail, question of rejecting application for bail of the present applicant who has not even made the said attempt does not arise. Applicant has no criminal history and hence this Court therefore finds no reason to not apply parity .

6. Hence, the order :-

ORDER :

- a) Criminal Bail Application stands allowed in connection with the Crime No. 35/2025 registered with the Kelva Sagari Police Station, Palghar for the offences punishable under Sections 64(2)(k)(m), 76, 3(5) of Bhartiya Nyaya Sanhita, 2023.
- b) The Applicant be enlarged on bail, on furnishing P. R. Bond of Rs.15,000/- with one surety in the like amount till the satisfaction of the Trial Court.
- c) The Applicant shall not enter the local jurisdiction of the Kelva Sagari Police Station, Palghar, till conclusion of trial.
- d) The Applicant not to contact victim or any witness in any manner whatsoever.
- e) Applicant to attend all dates of hearing before the Trial Court unless his presence is exempted by passing specific order.
- f) Any breach of the above condition shall result forthwith in cancellation of bail.

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

8. All concerned to act upon the authenticated copy of this order.

(R. M. JOSHI, J)