

S.S.Kilaje

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 229 OF 2026**

Jayesh Hiranman Dive

... Applicant

Versus

The State of Maharashtra

... Respondent

Mr. Aniket Vagal a/w. Ms. Savvy Kolhekar, Advocate for the Applicant.
Ms. Gauri Rao, APP for the Respondent-State.
PSI – Mr. Nitin Kulpagare, Ambad Police Station, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 8th APRIL, 2026.

P.C. :

1. By this application, the applicant is seeking regular bail in Crime No. 242 of 2023 registered with Ambad Police Station, Nashik, for the offences punishable under Sections 307, 109, 114, 120-B, 201 and 385 of the Indian Penal Code 1860, Section 3(1)/25 of the Arms Act, Section 7 of the Criminal Amendment Act, Section 142 of the Maharashtra Police Act and Sections 3(1)(ii), 3(2), 3(4) and 3(5) of the Maharashtra Control of Organised Crime Act, 1999.

2. It is prosecution's case that on 16th April 2023, around 9:30 to 9:45 a.m., when the injured Rakesh Koshti along with his friend, was going on a motorcycle, at that time co-accused Sagar Pawar fired two gunshots at Rakesh Koshti causing injuries, with the intention to kill him. It is alleged

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that the applicant was giving cover to Sagar Pawar.

3. It is the contention of the learned counsel for the applicant that the co-accused, against whom similar allegations are made, has been released on bail. The applicant is behind bars for almost 3 years. Hence, the applicant is entitled for bail on the principle of parity, and requested to allow the application.

4. It is the contention of learned APP that the applicant was involved in the incident. There was a common intention of the applicant to kill the injured. If the applicant is released on bail, he may threaten the complainant and prosecution witnesses, and requested to reject the application.

5. I have heard both learned counsel, perused the charge-sheet and documents produced on record. The main allegations of firing are against co-accused Sagar Pawar. The applicant is behind bars for almost 3 years. The co-accused, having similar allegations, has been released on bail. Considering this fact, the applicant is entitled for bail on the principle of parity. Hence, I pass following order:

ORDER

- (i) The applicant be enlarged on bail in Crime No. 242 of 2023 registered with Ambad Police Station, Nashik, on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in

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the like amount.

(ii) The applicant shall attend the concerned police station as and when required.

(iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

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

6. 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.

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

(SHIVKUMAR DIGE, J.)