

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 558 OF 2026

Vitthal Baban Nakade

...Applicant

Versus

State Of Maharashtra

...Respondent

Mr. A.P. Mundargi, Senior Counsel, with Jayant Bardeskar, for the Applicant.

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

CORAM: R. M. JOSHI, J.

DATED: 8th MAY, 2026.

PC:-

1. The Applicant seeks bail in connection with Crime No.545 of 2024 registered with Nerul Police Station for the offence punishable under Sections 140(1) 109(1), 103(1), 61(2), 238, 3(5), 45 and 54 of Bhartiya Naya Sanhita (BNS) and under Sections 3, 5, 25, 17 of Indian Arms Act and under Sections 37(1) and 135 of Maharashtra Police Act.

2. In short, it is the prosecution case that the deceased was killed by the assailants. The dead body came to be recovered at the instance of the Co-accused pursuant to the statement recorded

under Section 27 of the Evidence Act. During the course of the investigation according to the prosecution, the involvement of the Applicant and the co-accused was seen and therefore, the charge-sheet came to be filed against them.

3. The learned Senior Counsel appearing on behalf of the Applicant submitted that the Co-accused against whom there is an allegation that he caused actual assault and at whose, instance, the dead-body has been recovered, has been enlarged on bail by order dated 9th April 2026 passed in Criminal Bail Application No.3959 of 2025. It is his submission that except for the alleged payment of amounts by the Applicant to the Co-accused No.7, there is no other evidence to connect him with the crime in question. He therefore, seeks bail for the Applicant on the ground of parity.

4. The learned APP opposes the Application by contending that there is evidence to show that the Applicant was part of the conspiracy in killing of the deceased. It is her contention that having regard to the serious nature of the crime so also, recovery of mobile phone of the Applicant, which according to her, indicates his involvement in the conspiracy. The learned APP drew attention

of the Court to the fact that the Applicant has criminal antecedents.

5. Learned counsel for the Applicant submits that in spite of criminal history behind the Co-accused, he has been enlarged on bail.

6. Apart from the fact that the Co-accused, who has been assigned with greater role than the Applicant, has been enlarged on bail, there is no other evidence in order to attribute the involvement of the Applicant in the crime. Once, the Co-accused, who has been assigned greater role in the crime in question, has been enlarged on bail, there remains no propriety in rejecting bail to the Applicant. Hence, following order:-

ORDER

- i) The bail application is allowed ;
- ii) The applicant is directed to be released on regular bail in connection with Crime Register No.545 of 2024 registered with Nerul Police Station for offences punishable under Sections Sections 140(1) 109(1), 103(1), 61(2), 238, 3(5), 45 and 54 of Bhartiya Naya Sanhita (BNS) and under

Sections 3, 5, 25, 17 of Indian Arms Act and under Sections 37(1) and 135 of Maharashtra Police Act, upon furnishing a personal bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:-

- (a) The applicant shall not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness, particularly family members of the deceased.
- (b) The applicant shall report to the Nerul Police Station twice a month, specifically on the 1st and 15th day of each month, between 10:00 a.m. and 12:00 noon, until further orders.
- (c) The applicant shall not leave the territorial jurisdiction of the State of Maharashtra without prior written permission of the Trial Court.
- (d) The applicant shall not commit any offence or engage in any criminal activity during the pendency of the trial
- (e) The applicant shall at the time of furnishing surety,

provide his current residential address and mobile number to the Investigating Officer as well as the Trial Court, and shall inform the Court in writing of any change in residence or contact details during the pendency of the case.

(f) In case of any breach of the conditions mentioned above, the prosecution shall be at liberty to move for cancellation of bail.

7. The bail application is allowed and disposed of.

(R. M. JOSHI, J.)

SHAMBHAVI
NILESH
SHIVGAN

Digitally signed by
SHAMBHAVI
NILESH SHIVGAN
Date: 2026.05.08
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