

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1288 OF 2026

Vaibhav Vishwas Sawant

...Applicant

Versus

The State of Maharashtra

...Respondent

**Mr. Prashant Pandey a/w Dinesh Jadhawani, Ridhima Mangaonkar
i/b W3 LEGAL LLP for the Applicant**

Mr. Arfan Sait, APP for the Respondent-State.

CORAM: R. M. JOSHI, J.

DATED: 05th May, 2026

PC:-

1. Applicant 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 and Section 135 of the Maharashtra Police Act.

2. It is the case of the prosecution that on 12th October, 2024, the informant and her husband when reached to the

spot, an auto rickshaw was trying to over take their vehicle in rash and negligent manner. There occurred exchange of heated arguments between the husband of the informant and the auto rickshaw driver, which ultimately turned into a fist fight. When the said fight was going on, other persons including the present Applicant came to the spot. it is alleged that all of them assaulted the husband of the informant. When the informant as well as her in-laws attempted to interfere into the said quarrel, they were not allowed to help the deceased. Consequent to the said assault, he was admitted into the hospital and died on account of causing of internal bleeding. On the basis of the said report, offence came to be registered against the applicant and nine other accused persons. Applicant came to be arrested. After conclusion of the investigation, chargesheet is filed.

3. Learned counsel for the applicant submits that co-accused-Rakesh has been granted bail by this Court in Criminal Bail Application bearing no. 4676 of 2025 and other co-accused were enlarged on bail by order dated 18th April,

2026. It is his submission that the role attributed to the present applicant is exactly the same as alleged against the co-accused-Rakesh. He therefore, seeks bail on parity.

4. Learned APP opposed the application by pointing out that he however, unable to show any material on record which would differentiate the role of the present applicant than the one attributed against co-accused who is enlarged on bail. this court while granting bail to the co-accused-Rakesh in Criminal Application bearing No. 4676 of 2025 has made following observations:--

5. Even if it is accepted that an incident occurred on the fateful day, the said incident indicate that the assailants and the deceased were unknown to each other and hence there was no motive for anyone to kill deceased. Moreover, the incident was not pre-planned but occurred spontaneously. As per the first informant, it is the case of the roadrage ways wherein apart from the driver of the auto rickshaw, others also participated in the assault. Prima-facie there is support to the arguments of Applicant that the deceased had assaulted the Applicant with iron measuring weight and CLW was caused on his right parietal region, in form of the medical record. At the same time, there is no allegation that any of the accused have

used any weapon in order to cause assault on deceased. No doubt, in the said assault, unfortunately deceased died but not for any external injury but internal injuries were caused to the deceased and on account of the same, he succumbed. The causing of internal injuries cannot be attributed to Applicant with his knowledge thereof.

5. Perusal of the order dated 18th April, 2026 indicates that after hearing of the Intervenor, following order was passed:-

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. In view of the above, this court finds no reason or justification not to allow the application.

7. Hence, the following order:-

- a) The Bail Applications stand allowed.
- b) The applicant(s) be enlarged on bail in connection with C.R. 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.

8. Needless to say that in the event the Hon'ble Supreme Court interferes with the order dated 06th March, 2026, the same would apply to the present case.

R. M. JOSHI, J.