

MHTH010012822026



Omkar Satish Bhosale
Vs.
The State of Maharashtra
through Wagle Estate Police Station

Order below Exh.1 in Regular Bail Application No. 378/2026

1] This is an application filed by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita seeking bail in connection with C.R. No. 360/2025 registered with Wagle Estate Police Station for the offences punishable under Sections 115(2), 140(1), 189(2), 191(2), 352 of the Bharatiya Nyaya Sanhita.

2] I have heard the learned counsel for the applicant and the learned APP for the State. I have also perused the FIR, police report and other documents placed on record.

PROSECUTION CASE

3] The prosecution case, as can be gathered from the FIR, is that a dispute was going on between the complainant and the friends of the applicant. On the date of incident, the complainant and his friend had come near a shop when the applicant along with his associates allegedly stopped him and assaulted him. It is alleged that the complainant was taken to another place and beaten by the accused persons and threats were extended to him.

4] On the basis of the said allegations the above crime came to be registered.

SUBMISSIONS OF THE APPLICANT

5] The learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present crime. It is further submitted that the incident arose out of a prior dispute and the role attributed to the applicant is exaggerated.

6] It is further submitted that co-accused persons have already been granted bail, and therefore the applicant is entitled to bail on the ground of parity.

7] It is also submitted that the complainant has filed an affidavit, indicating that the dispute between the parties has been resolved and he has no serious objection if the applicant is released on bail.

SUBMISSIONS OF THE PROSECUTION

8] The learned APP opposed the application and relied upon the police report. The report indicates that the applicant has several criminal antecedents registered against him, and therefore it is contended that releasing him on bail may adversely affect the investigation and public order.

REASONS

9] Upon considering the rival submissions and the material placed on record, it appears that the role attributed to the present applicant Omkar Satish Bhosale is comparatively limited. The allegations in the FIR indicate that the actual assault on the complainant is attributed to the co-accused persons, whereas the role of the present applicant is mainly stated to be that of instigation by

uttering certain words at the spot. The applicant is not specifically alleged to have directly participated in the physical assault. It is also brought on record that the complainant has filed an affidavit before this Court, indicating that the dispute between the parties has been amicably resolved and he does not seriously oppose the present application. Further, the co-accused persons involved in the same incident have already been granted bail and therefore the principle of parity also operates in favour of the present applicant. At this stage, having regard to the nature of accusations, the limited role attributed to the applicant, the affidavit of the complainant and the fact that the investigation does not appear to require further custodial interrogation of the applicant, this Court is of the opinion that the applicant deserves to be released on bail on appropriate conditions. However, the observations made herein are prima facie in nature and shall not influence the trial of the case. Hence, the following order is passed:

ORDER

- 1] The Criminal Bail Application No. 378 of 2026 is allowed.
- 2] The applicant **Omkar Satish Bhosale** shall be released on bail in C.R. No. 360/2025 registered with Wagle Estate Police Station for the offences punishable under Sections 352, 191(2), 189(2), 140(1), 115 (2) of Bhartiya Nyaya Sahita on furnishing PR. Bond of Rs. 25,000/- with one or two solvent sureties in the like amount, subject to following conditions :
 - a) The applicant shall not tamper with the prosecution

evidence or influence witnesses in any manner.

- b) The applicant shall attend the concerned police station as and when called for investigation.
 - c) The applicant shall not leave the jurisdiction of the Court without prior permission.
 - d) The applicant shall regularly attend the trial Court on the dates fixed.
- 3] Applicant/accused to furnish Bail before the Ld. JMFC, Thane.

Date-13.03.2026.

(V. L. Bhosale)
Additional Sessions Judge, Thane.