

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 1885 OF 2022

Dharamjit Kumar Kailash Ray	
Alias Dehati	...Applicant
Versus	
The State Of Maharashtra	...Respondent

Mr. Advait M. Sethna a/w Mr. Rangan Majumdar and Mr. Arun Kumar Roy for the Applicant.
Ms. Anamika Malhotra, APP, for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 13th OCTOBER, 2023.

P.C. :

1. By this application, applicant is seeking bail in C. R. No. 1299 of 2021 registered with Malvani Police Station, Mumbai for the offences punishable under Sections 302, 323, 324, 201, 108, 109, 114, 141, 143, 144, 147, 147, 148, 149, 504, 506(2) of the Indian Penal Code (for short "IPC").

2. It is prosecution's case that applicant and co-accused

assaulted deceased with rubber belt and wooden plank as he was on the suspicions of thief.

3. It is contention of learned counsel for the applicant that it is alleged that the applicant had assaulted the deceased with fist and blows. Co-accused against whom serious allegations were there that he had assaulted deceased with rubber belt and wooden plank have been released on bail by this Court (Coram: M. S. Karnik, J) vide order dated 11th October, 2023 hence, applicant be released on bail on principle of parity.

4. Learned APP submitted that applicant was part of group who assaulted the innocent person. There is *prima facie* case against the applicant. Hence, requested to reject the application.

5. I have heard both learned counsel. Perused FIR and charge-sheet.

6. Allegations against the applicant are that he had beaten the deceased with fist and blows and co-accused had beaten the

deceased with rubber belt and wooden plank. The co-accused has been released on bail. The role attributed to the applicant is lesser, than the co-accused who has been released on bail by this Court (Coram: M. S. Karnik, J) vide order dated 11th October, 2023.

7. In view of above, I pass following order.

ORDER

- (a) The application is allowed.
- (b) The applicant Dharamjit Kumar Kailash Ray Alias Dehati in connection with C. R. No. 1299 of 2021 registered with Malvani Police Station shall be released on bail in his furnishing P.R. Bond of Rs.25,000/- with one or more local sureties in the like amount.
- (c) The applicant shall attend the investigating officer of Malvani Police Station once in a month every first Monday of the month between 11:00 a.m. and 1:00 p.m.
- (d) The applicant shall not directly or indirectly make

any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

- (e) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any charge.
- (f) The applicant shall not leave the State of Maharashtra without permission of the trial Court.
- (g) The applicant shall not enter the jurisdiction of Malvani police Station till the conclusion of trial.
- (h) The applicant shall not tamper with the witnesses.
- (i) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

8. The application is allowed in the aforesaid terms and is

accordingly disposed of.

9. 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.

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

(SHIVKUMAR DIGE, J.)