

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1996 OF 2022

Ebram @ Imran Salim Khan

...Applicant

V/s.

The State of Maharashtra

... Respondent

NILAM  
SANTOSH  
KAMBLE

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Mr.Moorrthy Acharya a/w Mr.Vijay Mishra, for the Applicant.  
Mr.A.A. Palkar, APP for the Respondent-State.  
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CORAM : G.A. SANAP, J.

DATE : 27<sup>th</sup> OCTOBER 2023

P.C:-

. Heard.

2. This is an Application for bail by the Applicant who is Accused No.1 in C.R. No.341 of 2021 registered with APMC Police Station, Navi Mumbai, for the offences punishable under Sections 302, 307, 304, 323, 143, 145, 147, 149, 504 and 119 of the Indian Penal Code ('IPC' for short).

3. The learned Advocate for Applicant/Accused No.1 submitted that, the Accused No.6 has been granted bail by the

Trial Court and as such on the ground of parity the Accused No.1 is entitled for bail. The learned Advocate submitted that, there is no specific role attributed to the Accused No.1. It is pointed out that, it is not even the case of the informant that, the Accused No.1 assaulted either the informant or the deceased. The learned Advocate pointed out from the FIR that, the deceased was assaulted by remaining accused. The learned Advocate submitted that, the detention of the Accused No.1 is not necessary for custodial interrogation. He is ready to abide by the conditions that may be imposed by this Court.

4. The learned APP submitted that, Accused No.1 is the kin-pin in the crime. The learned APP submitted that, the informant was called by the Accused no.1 to his place because the informant was reluctant to provide key of his room to accommodate the sister of the Accused No.1, for few days. The learned APP submitted that, there are eye-witnesses to the incident and the eye-witnesses have specifically stated role of the Accused No.1 and other Accused. The learned APP further submitted that, the role of the Accused No.1 and the role of the

Accused No.6 cannot be placed on the same pedestal. The learned APP submitted that, if Accused No.1 is released on bail then he would tamper with the prosecution evidence and threaten the prosecution witnesses.

5. I have perused the record and proceedings.

6. The learned Additional Sessions Judge, taking into consideration the role played by the Accused No.1 was pleased to reject his Bail Application. The learned Additional Sessions Judge in his order categorically highlighted the role played by the Accused No.1. It is seen from the perusal of the FIR that as soon as the informant and his two companions, which includes deceased, reached the house of the Accused No.1, they were mercilessly beaten by the Accused. It appears on the perusal of the record that, the Accused No.1 was seriously aggrieved by the refusal of the informant to hand over him the key of his room and therefore, in order to teach him a lesson he was called to the premises. It is also seen that before his arrival a planning was made and pursuant to the planning, they were assaulted. The postmortem report indicates that, the deceased has sustained

serious multiple injuries. Charge-sheet is filed. The matter is pending before the Sessions Court. The charge has not been framed. It is also seen that, the Accused has criminal antecedents. It is to be noted that, while appreciating the submission touching the delay in disposal of the trial, in my view, this aspect has to be juxtaposed with the interest of the informant and likely damage to the prosecution evidence in case of the release of the accused. The brutality of the assault due to trifal reason indicates mentality of the Accused persons. In my view, therefore, the apprehension put forth by the learned APP is well founded. No case has been made out to enlarge the Accused on bail. Hence, Application is rejected.

**( G.A. SANAP, J.)**