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

**BAIL APPLICATION NO.3091/2022**

DHIRAJ UMESH GUPTA

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

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Adv. Abdul Wahab Shaikh i/b. Adv. Mohd. Umar Kazi.  
Mr. S. H. Yadav, APP for State.

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**CORAM : M. S. KARNIK, J.**

**DATE : JANUARY 23, 2023.**

**P.C. :**

- 1.** Mentioned out of turn.
- 2.** Heard learned counsel for the applicant and learned APP for the State.
- 3.** This is an application for bail in respect of the offence punishable under Sections 380, 457, 458, 459, 511 read with 34 of the Indian Penal Code (hereafter 'IPC' for short), registered vide First Information Report (FIR) No.I-215/2020 with Shivaji Nagar Police Station, Ambernath.
- 4.** The FIR was registered on September 23, 2020. It is alleged that there are five accused who attempted to commit theft in one shop. Two of the accused entered the shop. The present applicant along with one accused were

seated in auto-rickshaw. The witnesses caught hold of the applicant when they found the applicant seated in the auto-rickshaw. One of the accused gave a blow of knife on the victim. No role is attributed to the applicant. The accused no.2-Ajmal Babu Mudaliyar, who gave a blow to the victim has been released on bail by the Sessions Court. The applicant, therefore, can be released on bail on the ground of parity apart from the fact that he is now in custody for more than 2 years and 4 months with no sign of trial concluding any time soon. There are no criminal antecedents reported against the applicant. The investigation is complete and the charge-sheet has been filed. Hence the following order.

### **ORDER**

- (a) The application is allowed.
- (b) The applicant-Dhiraj Umesh Gupta in connection with FIR No.I-215/2020 with Shivaji Nagar Police Station, Ambarnath, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall report to the Investigating Officer of the concerned police

station once in a month on 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 change.

**5.** The application is disposed of.

**(M. S. KARNIK, J.)**