

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

BAIL APPLICATION NO. 4372 OF 2021

Deepak Akhilesh Thakur ... Applicant
Versus
State of Maharashtra ... Respondent

Mr Shantanu R. Phanse for the Applicant.
Mr A. A. Palkar, APP for the Respondent-State.

CORAM: R. N. LADDHA, J.

DATE : 25 SEPTEMBER 2023

P.C. :-

1. Heard Mr Shantanu Phanse, learned counsel appearing for the applicant, and Mr A. A. Palkar learned Additional Public Prosecutor for the respondent/State.

2. The applicant in the present case is seeking bail in connection with C.R. No. 153 of 2019, registered at Bazar Peth Police Station, Kalyan, against the applicant and co-accused Sachin Bahadur Karotia for the offences punishable under Section 302 read with 34 of the Indian Penal Code and Sections 4-25 of the Indian Arms Act.

3. The allegations against the applicant and other co-accused are that they, in furtherance of their common intention, on 5 July

2019, committed the murder of the wife of co-accused Neha Karotia.

4. Mr Shantanu Phanse, learned counsel for the applicant, submits that the applicant is falsely implicated in this case. It is submitted that in the test identification parade, the independent witnesses did not identify the applicant. There is no specific overt act attributed to the applicant. Initially, the FIR was lodged against two unknown persons. The applicant has been in jail since 6 July 2019.

5. Mr A. A. Palkar, learned Additional Public Prosecutor for the respondent/State, submitted that the offence is serious and the applicant was actively involved in the offence that led to the filing of the charge sheet against him. He submitted that the applicant has criminal antecedents. The offence vide C.R. Nos. 265 of 2016 and 278 of 2016 under Section 394, read with 34 IPC, were registered against the applicant at Ambernath Police Station. He states that the applicant had applied on 8 April 2021 before this Court for regular bail and after arguing for some time, when the Court expressed its disinclination to grant the relief, the bail application was withdrawn unconditionally.

6. This Court has perused the bail application and the records. In so far as the present applicant is concerned, *prima facie* there is material on the record to indicate the presence of the applicant

and his specific role in the crime. The alleged incident was recorded in the CCTV footage wherein the applicant was identified by the mother and brother of the deceased. Further, it reveals from the record that the applicant was in contact with the co-accused who assaulted the deceased and travelled with him on a motorcycle to chase the deceased. Moreover, the applicant has criminal antecedents.

7. Given the above, this Court thinks that, looking at the seriousness of the offence and the manner in which the deceased was murdered, the applicant cannot be granted bail. This Court is of the opinion that the material on record *prima facie* indicates the active involvement of the applicant, and therefore, the application is dismissed.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

R. N. LADDHA, J.