

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3361 OF 2023

John David Raj ...Applicant
vs.
The State of Maharashtra ...Respondent

VISHAL
SUBHASH
PAREKAR

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VISHAL SUBHASH
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Mr. Anuj Tiwari, for the Applicant.
Mr. Shailesh Ghag, APP, for the Respondent/State.

CORAM : N. J. JAMADAR, J.
DATE : APRIL 03, 2024

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. This is an application for bail. The applicant is arraigned in C.R. No. 89 of 2023 registered with N.M. Joshi Marg police station for the offences punishable under sections 419 and 420 of Indian Penal Code, 1860 and section 66C and 66D of Information Technology Act, 2008.

3. At the outset the learned counsel for the applicant submits that the co-accused Nandkumar Muppala has been released on bail by an order dated 31st January, 2024. The applicant was working as a Chef in the hotel run by the co-accused Nandkumar Muppala. On the ground of parity, the applicant is also entitled to the same dispensation.

4. The learned APP on the other hand submitted that a sum of

Rs. 53,000/- out of the amount of Rs. 3,00,000/- of which the first informant was defrauded, has allegedly been retained by the applicant.

5. This Court was persuaded to release the co-accused Nandkumar Muppala on bail having regard to the nature of accusation, the punishment which the offence under sections 419 and 420 of the Penal Code entails and the period of incarceration. Those reasons apply with equal force to the claim of the applicant for bail. The principle of parity applies.

6. I am, therefore inclined to allow the application.

Hence, the following order.

ORDER

1] The application stands allowed.

2] The applicant be released on bail in C.R. No. 89 of 2023 registered with N.M.Joshi Marg police station, on furnishing a P.R. Bond of Rs. 30,000/- with one or more sureties in the like amount, to the satisfaction of the learned Magistrate.

3] The applicant shall mark his presence at N.M. Joshi Marg police station on the first Monday of every month between 11 am to 1 pm for a period of three years or till conclusion of the trial whichever is earlier.

4] The applicant shall not tamper with the prosecution

evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

5] 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.

6] The applicant shall regularly attend the proceedings before the jurisdictional Court.

7] By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N. J. JAMADAR, J.)