

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

BAIL APPLICATION NO. 898 OF 2024

SANTOSH
SUBHASH
KULKARNI

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Date: 2024.07.19
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Ayyapan Murgeshan

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Arif Khan, a/w Shilpa Sharma and Reema S., for the
Applicant.

Mr. A. A. Naik, APP for the State.

PSI Mr. Monali Kumbhar, N. M. Joshi Marg Police Station,
present.

CORAM: N. J. JAMADAR, J.

DATED: 16th JULY, 2024

PC:-

1. Heard the learned Counsel for the parties.
2. This is an application preferred for bail in CR No.89 of 2023, registered with NM Joshi Marg Police Station, Mumbai, for the offences punishable under Sections 419 and 420 of the Indian Penal Code, 1860 ("the Penal Code") and Sections 66C and 66D of the Information Technology Act, 2008.
3. At the outset, the learned Counsel for the applicant submits that all the co-accused except the applicant have been enlarged on bail by this Court. The learned Counsel

further submitted that the applicant was not named in the FIR. Nor the applicant is a beneficiary of the alleged fraud.

4. The learned APP fairly submits that the parity will apply.

5. I have perused the allegations in the FIR and the material on record. *Prima facie*, it appears that the applicant is entitled to parity with the co-accused John David Raj, Nandkumar Muppala and Premsagar Putr Ramsarup, who have been released on bail. The applicant deserves the same dispensation.

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

7. Hence, the following order:

: O R D E R :

- (i) Application stands allowed.
- (ii) The applicant be released on bail in CR No.89 of 2023, registered with NM Joshi Marg Police Station, Mumbai, on furnishing a P.R. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (iii) The applicant shall mark his presence at the NM Joshi Marg Police Station between 11.00 a.m. to 1.00 p.m., on first Monday of every month, for the period of three years or till conclusion of the trial, whichever is earlier.

- (iv) The applicant shall not tamper with the prosecution evidence. 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.
- (v) 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.
- (vi) The applicant shall regularly attend the proceedings before the jurisdictional Court.
- (vii) 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.]