



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

CRIMINAL BAIL APPLICATION NO.2413 OF 2025

Dharmendra Harinarayan Kumar

... Applicant.

Vs.

The State of Maharashtra

... Respondent.

Mr. Gaurav Kalekar, Advocate for the Applicant.

Mr. T. G. Khan, APP for Respondent/State.

Mr. D. P. Khade, Police Constable, Mhaswad Police Station.

CORAM : ASHWIN D.BHOBE, J.

DATE : 24th JUNE, 2025.

P.C. :

1. By the present Bail Application, filed under Section 439 of the Code of Criminal Procedure, the Applicant is seeking bail in connection with Cr. No. 155/2023 registered with Mhaswad Police Station, Satara for the offences punishable under Section 420, 468, 467, 471, 417, 379, 120-B read with Section 34 of the Indian Penal Code, Sections 65, 66C and 66D of the Information Technology Act, 2005.

2. There are seven accused in the present crime. The Applicant is Accused no.2. Mr. Kalekar, learned advocate for the Applicant submits that the said Cr. No. 155/2023 is now registered as

RCC No. 51/2023 and is pending on the file of Judicial Magistrate First Class, Mhaswad.

3. Mr. Kalekar, learned advocate for the Applicant submits that the present Bail Application has been filed on the ground that Accused no.3 in the said crime has been released on bail by this Court by its order dated 12th November, 2024 passed in Criminal Bail Application No. 683/2024. He submits that the Applicant is seeking bail on the ground of parity. He submits that the allegations of the prosecution are that the Applicant is seeing in the CCTV Footage at the time of withdrawal of the amount. He submits that the Applicant is not seen in the CCTV Footage. He submits that the CDR records relied by the prosecution also do not indicate the factual position in the context of the presence of the Applicant at the scene of offence. He submits that the register of the Hotel Shree Sai does not indicate the Applicant being present in the said lodge. He submits that the Applicant has been falsely implicated. He therefore submits that the Applicant be released on bail.

4. Mr. Khan, learned APP for the Respondent, points out to the order dated 9th October 2024 passed by this Court in Criminal Bail Application No. 2757/2024 by which the bail Application filed by the

Applicant was dismissed on merits.

5. Perused the records placed before me with the assistance of the learned advocates for the parties.

6. Applicant was before this Court by way of Criminal Bail Application 2757/2024. This Court after hearing the Applicant and the prosecution, by a detailed order has rejected the Bail Application. In paragraph Nos. 4, 5, 6 and 7 of the said order similar contentions urged by the Applicant with reference to the CCTV Footage and the CDR records, were considered and rejected.

7. With reference to the contentions of the Applicant of being entitled to bail on the ground of parity, perusal of the chargesheet indicates that the involvement of the Accused no. 3, who is the applicant in Criminal Bail Application 683/2024, is neither identical nor similar to the allegations made against the Applicant in the present Application. Learned advocate for the Applicant could not point out as to how the ground of parity would be applicable to the case of the Applicant.

8. Memo of Bail Application does not indicate any change in circumstance for the Applicant to maintain the present Bail Application. There are no change in circumstance from at least 9th

October, 2024 till the date of filing of the present Application.

9. In view of the above, no case is made out to entertain the present Bail Application.

10. Bail Application 2413/2025 is dismissed.

[ASHWIN D.BHOBE, J.]