

AGK

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

BAIL APPLICATION NO.4059 OF 2024

Deepak Tirthraj Gautam Kori	... Applicant
V/s.	
The State of Maharashtra	... Respondent

ATUL
GANESH
KULKARNI

Digitally signed by
ATUL GANESH
KULKARNI
Date: 2025.08.02
11:13:28 +0530

Mr. Sushrut Jadhwar for the applicant.

Ms. Supriya Kak, APP for the respondent-State.

Mr. S.R. Avhad, PSI, Tilak Nagar Police Station, is present.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 1, 2025

P.C.:

1. The present application is filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C."), seeking regular bail in connection with Crime Register No.5 of 2024 registered with Tilak Nagar Police Station, Mumbai. The applicant is facing prosecution for offences punishable under Sections 307, 326, 504, 506(2) read with Section 34 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC").

2. As per the prosecution case, the incident occurred on 5 January 2024 at around 00:25 hours, when the informant was returning after using the toilet and was proceeding through Hanuman Chawl No.9, Nagewadi, adjacent to Crick. P.L. Lokhande

Marg, Chembur, Mumbai. At that time, the applicant, who allegedly held a grudge against the informant due to a prior incident, along with other accused persons, attacked the informant with an intention to kill. It is alleged that the applicant and others assaulted the informant on his head, face, hands, and right leg using sharp and blunt objects, causing serious injuries. The co-accused is also stated to have abused the informant before all of them fled the scene of offence.

3. Learned Advocate appearing for the applicant submitted that the applicant was arrested on the same day, i.e., 5 January 2024. It is contended that the allegations made in the FIR and the material collected during investigation do not fulfill the essential ingredients of Section 307 of IPC. Learned counsel further submitted that a co-accused has already been released on bail by a coordinate Bench of this Court, and therefore, the applicant is similarly entitled to be released on the principle of parity. He also pointed out that there is considerable delay in conclusion of trial and, thus, continued detention of the applicant would violate his right to speedy trial guaranteed under Article 21 of the Constitution of India. On these grounds, the applicant seeks his release on regular bail.

4. On the other hand, learned APP has opposed the application. She invited attention to the contents of the FIR and submitted that the nature of assault inflicted by the applicant is grave. It is pointed out that the medical report discloses that the informant has sustained as many as 14 injuries, including on vital parts of the body, caused by both sharp and blunt objects. It is further

submitted that the co-accused, who has been released on bail, was not attributed any specific role of assault in the incident, and the statements of eye-witnesses do not even show his presence at the scene. In contrast, the statements of material witnesses clearly implicate the present applicant and attribute to him the role of direct assault. Moreover, it is submitted that the applicant has a criminal history and has four previous cases registered against him, including offences affecting the human body. It is also brought to the notice of the Court that the applicant committed the present offence during the period when he was externed from the jurisdiction. In view of this serious conduct, learned APP submits that the applicant is not entitled to be released on bail.

5. I have carefully considered the submissions advanced by the learned Advocate for the applicant and the learned APP for the State. I have also perused the first information report, injury certificate, statement of witnesses, and the case diary placed before me.

6. The allegations against the applicant are serious in nature. The FIR, supported by witness statements, attributes a specific and active role to the applicant in the commission of the offence. It is alleged that the applicant, along with others, assaulted the informant on his head, face, hands and right leg using sharp and blunt objects, and inflicted as many as 14 injuries. The medical certificate placed on record corroborates these allegations and mentions that injuries were caused on vital parts of the body, suggestive of an intention to cause grievous hurt, if not death. At this prima facie stage, the ingredients of Section 307 of IPC cannot

be ruled out.

7. The argument of parity advanced by the applicant does not hold merit. The material on record clearly distinguishes the case of the applicant from that of the co-accused who has been granted bail. The co-accused was neither attributed any overt act nor shown to be present at the scene of offence as per the witness statements. In contrast, the present applicant has been named by multiple witnesses as the main assailant and the one who inflicted the injuries. Therefore, the plea of parity is not tenable.

8. It is further noted that the applicant has a criminal background. As per the prosecution, four prior offences are registered against the applicant, including offences involving human body. What is more serious is the fact that the present offence is alleged to have been committed during the period when the applicant was already under externment from the concerned area. This shows a disregard to the law and raises concern about the applicant's tendency to indulge in offences affecting public peace and safety.

9. The right to seek bail must be balanced with the seriousness of the offence and the potential threat to public order and safety. In the present case, the applicant appears to have committed a grave offence with premeditation and violent means, causing severe injuries to the informant. There is every possibility that if released on bail, the applicant may again involve himself in similar activities or may influence witnesses.

10. Considering the nature and gravity of the offence, the specific role attributed to the applicant, the medical evidence, his past criminal record, and the fact that the offence was committed while he was under externment, I do not find it to be a fit case for grant of bail. The apprehensions expressed by the prosecution appear to be well-founded.

11. Accordingly, the bail application stands rejected.

(AMIT BORKAR, J.)