

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 4323 OF 2025

Devkumar Badal Koundu	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Abhilesh Kurey a/w Mohnish Kolamkar a/w Mr. Nikesh
Uparpelli a/w Snehal Kolamkar a/w Mr. Vishal Padvi i/by
Legal Legacy's, for the Applicant.
Mr. H. J. Dedhia, APP, for the Respondent - State.
Mr. Sopan Kadam, PSI, Dongri Police Station, Mumbai, is present.

CORAM: R. M. JOSHI, J.

DATED: 27th MARCH, 2026

PC:-

1. This application for bail in connection with Crime No. 17 of 2021 registered with Dongri Police Station, Mumbai, for the offences punishable under Sections 302, 143, 144, 147 and 149 of the Indian Penal Code, 1860 (for short "IPC"), is filed essentially on the ground of parity.

2. It is the case of the prosecution that in an incident occurred on 20th January 2021, deceased was assaulted by six persons. In the said assault, he was sustained serious injuries and succumbed thereto. Offence came to be registered against six persons including present applicant. On completion of the investigation, chargesheet came to be filed against them.

3. Learned Counsel for the applicant submits that out of six accused persons, five accused persons are already enlarged on bail, either order passed by this Court or the order passed by the Trial Court. It is his submission that the Trial Court was not justified in rejecting the application of the present applicant only on the ground that the applicant dragged deceased.

4. Learned APP opposed the application by citing seriousness of the crime.

5. Perusal of the record indicates that there were allegations against the accused Nos. 1 to 5 of causing actual assault with weapon on the deceased. No such assault is attributed against the present applicant. He said to have dragged the deceased. Thus, it cannot be said that this is not a case for applying parity. As there are no antecedents against applicant, there is no reason not to enlarge him on bail. He is also entitle to be enlarged on bail, in view of the fact that he was arrested on 22nd January 2021 and the recording of evidence is yet to be started before the Trial Court. In view of the same, following order.

ORDER

- i) Criminal Bail Application stands allowed in connection with the Crime No. 17 of 2021 registered with the Dongri Police Station, Mumbai for the offences punishable under Sections 302, 143, 144, 147 and 149 of the Indian Penal Code, 1860

- ii) The Applicant be enlarged on bail, on furnishing P. R. Bond of Rs.30,000/- with one or two sureties in the like amount, to the satisfaction of the Trial Court.
- iii) Applicant not to interfere into the evidence of the prosecution in any manner, whatsoever.
- iv) Applicant to attend all dates of hearing before the Trail Court unless his presence is exempted by passing specific order.
- v) Any breach of the above condition shall result forthwith in cancellation of bail.

6. The application is allowed in aforesaid terms and is accordingly disposed of.

7. All concerned to act upon the authenticated copy of this order.

(R. M. JOSHI, J.)

VDMokal/-