

--1-- BAIL APPLICATION NO. 383 OF 2020

**IN THE COURT OF ADDL. CHIEF METROPOLITAN MAGISTRATE, 37TH
COURT, ESPLANADE MUMBAI
BAIL APPLICATION NO. 383 OF 2020
R.A. NO. 251 OF 2020
(C.R. NO. 143 OF 2020 OF DCB CID CIU)
(C.R. NO. 843 OF 2020 OF KANDIVALI POLICE STATION)**

ORDER

1. By way of present application accused Parth Nirmal Dasgupta prayed for releasing him on the bail.

2. As per the case of accused, he is innocent and has been falsely implicated in the present case and he has no active role of participation in alleged crime. The accused has been arrested on 24/12/2020 and since then he is in custody. The material investigation to the extent of present accused is already completed. Charge-sheet is already filed against thirteen accused. Accused Romil who has been arrested subsequently to filing of charge-sheet is also released on bail. Absolutely, there is no evidence against the accused. The sections of the Indian Penal Code are not applicable as to the role of the present accused is concern. The articles such as phone, laptop are already seized from the accused. He is resident of Mumbai and he is ready to furnish surety for his appearance. On behalf of the accused reliance has been put on the case of **M/s. Indian Oil Corporation V/s. NEPC (2006 3 SCC (Cri) 188)** and **Sanjay Chandra V/s. CBI** delivered by the Hon'ble Supreme Court.

3. The bail application has been strongly objected by the Investigating Officer as well as Learned Special PP. It is the contention of prosecution that the investigation is still going on. The offence is of serious nature. If accused will be released on bail, then he will abscond and witnesses will be hampered. The material collected by the Investigating Officer shows substantial proof against the present accused. In such circumstances, accused should not be released on bail.

4. Heard both sides. Perused the record. It appears that the

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investigation is in progress. The material available on record shows the involvement of the present accused in the alleged crime. The present applicant played the vital role in the commission of offence. He was CEO of BARC from June, 2013 to November, 2019. The material collected by the Investigating Officer shows that the present accused manipulated TRP for particular TV channels by using his office as CEO of BARC. From the case diary and the reply to be bail application, it appears that the investigation is at crucial stage as far as further investigation. The accused/applicant is the most influential person who worked as CEO of BARC and the other persons or accused are yet to be interrogated. In such circumstances, it is the requirement of further investigation to keep the present accused away from the wanted accused and other material witnesses. No doubt, the other accused including accused Romil Vinodkumar Ramgadiya are released on bail by this court. But they have played different role than the present accused in commission of the offence. Considering the said fact, principle of parity is not applicable in case of the present applicant. No doubt, at present the accused is in judicial custody. However, it does not mean that the investigation is completed. At this juncture, release of the present accused/applicant will hamper the further investigation. In such circumstances, as the investigation is in progress, it will not be proper to release the accused on bail. So considering the facts and circumstances, the bail application is rejected.

Date : 04/01/2021

Addl. Chief Metropolitan Magistrate,
37th Court, Esplanade, Mumbai