



Diksha Rane

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

BAIL APPLICATION NO.394/2023

CHIDANAND RAJSHEKHAR BIRAJDAR

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. P. G. Sarda for the applicant.

Mr. P. H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 10, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Sections 307, 452, 327, 324, 323, 143, 147, 148, 149, 109 of the Indian Penal Code (hereafter 'IPC' for short) read with Section 3, 35 of the Indian Arms Act registered on 15/9/2022 vide C.R. No.504/2022 with Akkalkot South Police Station.

3. The date of the incident is 15/9/2022. There are in all ten accused. The applicant is the accused no.5. The prosecution case is that the juvenile accused had an issue with the petrol pump attendants over a torn Rs.500/- note.

When the petrol pump personnel refused to accept the Rs.500/- note, the juvenile accused assaulted the attendants. The juvenile accused then called up other accused. The present applicant took out a country-made pistol from his pocket and fired at three persons. He fired one bullet. No one was injured in the firing. It is the prosecution case that the intention of the applicant was to murder the witnesses. There are eye witnesses to the incident. There are several criminal antecedents reported against the applicant where he has been enlarged on bail. The criminal antecedents are pertaining to the Solapur District. There is one C.R. registered at Zalki Karnataka.

4. Learned APP submitted that apart from the fact that the present offence is serious, the applicant has been convicted for an offence registered in the year 2013 and punished with imprisonment of one year. Learned APP submitted that there is every possibility of the applicant threatening the witnesses.

5. The applicant was arrested on 15/9/2022 and now is in custody for more than one year. It appears that the trial may take some time to conclude as even the charge is not

framed. The investigation is complete. The charge-sheet has been filed. The applicant does not appear to be a flight risk.

6. In the facts and circumstances of the present case, I am inclined to enlarged the applicant on bail however, looking at the number of criminal antecedents and the propensity of the applicant to commit offences in the area of Solapur District, it is necessary to impose stringent conditions. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Chidanand Rajshekhar Birajdar in connection with C.R. No.504/2022, Akkalkot South Police Station, shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more local sureties in the like amount.

(c) Learned counsel for the applicant, on instructions, states that the applicant shall reside in the Pune District during pendency of the trial. Statement accepted.

(d) 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.

(e) The applicant shall attend the Investigating Officer of Indapur police station once in a week on every Monday of the week between 11.00 a.m. and 1.00 p.m.

(f) 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. The applicant shall not tamper with evidence.

(g) Except for attending the trial in this case and the other cases and for the purpose of reporting to the Investigating Officer, if ordered in other cases, the applicant shall not enter the Solapur District after being released on bail, till the trial concludes.

(h) The applicant shall attend the trial regularly. The applicant shall cooperate with the trial Court and shall not seek unnecessary adjournments.

(i) The applicant shall surrender his passport, if any, to the investigating officer.

(j) In the event there is breach of any condition, it is open for the prosecution to apply for cancellation of bail.

7. The application is disposed of.

(M. S. KARNIK, J.)