



PMB

12.ba.519-23.odt

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

BAIL APPLICATION NO.519 OF 2023

RAJENDRA @ RAJYA @ KANYA PANDIT
AHIRE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Chetan S. Damre for the applicant.

Ms. Veera Shinde, APP for the State.

PN – Sandeep Jagammath Dhumal, Manmad City Police
Station.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 8, 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, 504, 506, 109, 34 of the
Indian Penal Code (hereafter 'IPC' for short), under Sections
4, 25 of the Arms Act and under Section 135 of the
Maharashtra Police Act registered on 10.07.2022 vide C.R.
No.177 of 2022 with Manmad City Police Station.

3. The date of the incident is 09.07.2022. The first informant after completing his work was proceeding towards his house. The applicant came on his bike. The first informant wanted to save himself from pothole his bike came close to the applicant. The applicant was annoyed. There was an altercation between the complainant and the applicant. The applicant abused the complainant and threatened him with dire consequences. Thereafter, the applicant dashed the complainant's bike from behind and assaulted the complainant with koyta. The applicant suffered injury on the hand and also on the deep side of the cheek. In the injury certificate of private hospital there are two grievous injuries mentioned which are not on the vital part of the body. The applicant is in custody since 24.07.2022 almost for 13 months.

4. Learned counsel for the applicant on instructions submitted that the applicant is willing to reside outside Manmad City and abide by any conditions imposed.

5. Learned APP, apart from opposing the application for bail submitted that there are several criminal antecedents

against the applicant. There is one antecedent of the year 2011 under Section 379 of the IPC. There is another one of the year 2014 under Section 4, 25 of the Arms Act. There is an antecedent of the year 2017 under Section 324 of the IPC. The antecedent of the year 2018 is under Section 354-A of the IPC. There is one antecedent of the year 2019 under Section 326, 324 of the IPC. There are two antecedents of the year 2020 and 2021 under Section 12-A of the Bombay Prevention of Gambling Act.

6. In my opinion having regard to the nature of the antecedents, though the applicant should not be deprived the facility of bail altogether, but, considering the past history, the stringent conditions need to be imposed on the applicant. The trial may take a long time to conclude. The witnesses should not feel threatened by the presence of the applicant considering his propensity to commit offences. The investigation is complete. The charge-sheet has been filed. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Rajendra @ Rajya @ Kanya Pandit Ahire in connection with C.R. No.177 of 2022 registered with Manmad City Police Station shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.

(c) The applicant shall attend the Investigating Officer of Manmad City Police Station once in a week every Thursday between 11.00 a.m. and 1.00 p.m.

(d) 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.

(e) 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.

(f) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter Manmad City after being released on bail, till the trial concludes.

(g) Any attempt on the part of the applicant to

threaten or influence the witnesses will be viewed seriously which may result in cancellation of bail.

7. The application is disposed of.

(M. S. KARNIK, J.)