



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

BAIL APPLICATION NO. 1967 OF 2023

RAJESH RAJENDRA KHANJACHI

..APPLICANT

VS.

STATE OF MAHARASHTRA

..RESPONDENT

Mr. Dheeraj Panchange i/b Mr. Santosh Sonawane, for the applicant.
Mr. P. H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 06, 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 363, 366(A), 376, 306, 504, 34 of the Indian Penal Code, 1860 registered on 05/06/2008 vide C.R. No.32 of 2008 with Shivaji Nagar Police Station, Thane.
- 3.** While on bail, the applicant has not attended the trial. The non-bailable warrant was issued. The applicant when he was in police station had himself gone to the police station when he was arrested pursuant to non-bailable warrant issued. My attention is

invited to the order dated 27/06/2023 passed by this Court in Bail Application No. 1152 of 2023 in respect of co-accused Rahul Radhacharan Karotiya which is at page no. 102 of the paper-book. This Court passed the following order.

“1. While on bail, the Applicant has not attended the trial and that is why, non bailable warrant was issued. On his own, he has attended the Court of Additional Sessions Judge with the prayer for cancellation. It was rejected and he was taken into custody. His Application for regular bail is rejected.

2. The title clause of the Applicant mentions his address at Ulhas Nagar. Whereas, in the Application for cancellation of NBW, he himself has pleaded that he is shifted to Uttar Pradesh.

3. Learned APP submitted that the offence is serious and the trial is delayed due to absence of the present Applicant and even charge could not be framed. He is Accused No.1 as per the charge-sheet and there is an allegation that the First-Informant was ravished. It is true that earlier, this Applicant was granted bail, so merits is also considered. So, the question is whether the Applicant is to be penalized for his absence and whether his presence can be secured at the time of trial.

4. He is arrested on 30th January, 2023 when the Court has taken him to custody while rejecting the Application for cancellation of non bailable warrant. So, he has remained behind bar from 5th January, 2023. So, subject to strict conditions, he can be granted bail. Hence, order :-

ORDER

(i) Application is allowed.

(ii) Applicant Rahul Radhacharan Karotiya be released on bail in connection with C.R. No. 32 of 2008 registered with Shivaji Nagar Police Station Thane for the offences punishable under Sections 363, 366(A), 376, 306, 504 read with 34 of IPC, on furnishing personal bond and surety bond of Rs.50,000/- with one or more surety of Rs.25,000/- each.

(iii) Applicant is directed to furnish his correct address at Uttar Pradesh along with the documents to show in what capacity, he is residing on that address, that is to say, whether as an owner,

tenant or family member.

(iv) The trial Court to ensure that these documents are furnished prior to accepting his surety.

(v) Applicant is directed to attend the trial Court, punctually.

5. Application is disposed of in the aforesaid terms.

6. All the parties to act on an authenticated copy of this order.”

4. This Court has allowed the application for bail. The applicant was arrested on 01/03/2023. The applicant is now in custody for almost 7 months. The application can be allowed. Learned counsel for the applicant assures this Court that henceforth the applicant will regularly attend the trial Court. Due to some misunderstanding, the applicant could not remain present before the trial Court. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Rajesh Rajendra Khanjachi in connection with C.R. No.32 of 2008 registered with Shivaji Nagar Police Station, Thane shall be released on bail on his furnishing PR. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.

(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) The applicant shall attend the trial regularly.

5. The application is disposed of.

(M. S. KARNIK, J.)