



Diksha Rane

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

BAIL APPLICATION NO.2855/2023

NAGESH VIJAY AIDALE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Yogesh Birajdar i/b. Adv. Nagraj Shinde for the
applicant.

Mr. N. B. Patil, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 13, 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 302, 120-B 143, 147, 149, 324,
323, 341, 427, 504, 506, 109 of the Indian Penal Code
(hereafter 'IPC' for short) read with 4, 25 of the Indian Arms
Act read with Sections 37(1)(3), 135 of the Maharashtra
Police Act, registered on 23/9/2017 vide C.R. No.248/2017
with Vishrambaug police Station, Sangli.

3. The date of the incident is 22/9/2017. There are in all

ten accused. The applicant is the accused no.1. It is alleged that on the date of the incident, ten accused assaulted Shakil. There are eye witnesses to the said incident. As per the statements of the eye witnesses, the main assailants are accused Sham Bapu Hattikar, Vishal Balu Kamble and Gaurav Gaikwad. The applicant was present at the spot but no specific overt act is attributed to the applicant.

4. Learned APP opposed the application for bail. Learned APP has invited my attention to the statements of the eye witnesses under Section 164 of the Code of Criminal Procedure to submit that the applicant was actively involved in the commission of the present offence.

5. The applicant is in custody for more than six years with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The applicant does not appear to be a flight risk.

6. I am informed that two eye witnesses have already been examined. The role of present applicant is similar in nature to that of the role attributed to one Karan, who has already been enlarged on bail. Even on the ground of parity

the applicant can be enlarged on bail. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Nagesh Vijay Aidale in connection with C.R. No. 248/2017 registered with Vishrambaug Police Station shall be released on bail on his furnishing P.R. 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 attend the Investigating Officer of Vishrambaug police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- (e) 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.
- (f) 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.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

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

7. The application is disposed of.

(M. S. KARNIK, J.)