



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

BAIL APPLICATION NO.3003 OF 2023

RAJENDRA RURENDRA CHAUDHARY	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Adv. Vinod S. Chate a/w Adv. Kalpana V. Chate i/b. Chate
and Associates for the Applicant.
Ms. Veera Shinde, APP for the State.
PSI Jaydip Dalavi, Koparkhairane Police Station, Navi
Mumbai.

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 Section 302 of the Indian Penal Code
(hereafter 'IPC' for short) registered on 01.12.2014 vide
C.R. No.I-346 of 2014 with Koparkhairane Police Station,
Navi Mumbai.
- 3.** The deceased was the wife of the applicant. It is
alleged that the deceased has killed his wife. The case is
based on circumstantial evidence. The applicant was

arrested on 01.12.2014 and is now in custody almost for nine years.

4. Learned APP submitted that the trial be expedited instead of enlarging the applicant on bail. The trial has commenced and two witnesses have been examined. It is further submitted by learned APP that for last one year it appears that though the applicant was produced there was no legal representation on behalf of the applicant.

5. Learned counsel for the applicant submitted that the prosecution submitted a list of 28 witnesses. Learned APP submitted that it is not as if all the witnesses will be examined. Learned APP expressed an apprehension that the applicant will protract the hearing of the trial if enlarged on bail.

6. Learned counsel for the applicant on instructions made a statement that the applicant will co-operate with the trial Court and will not seek unnecessary adjournments.

7. If there is no advocate to represent the applicant, the trial Court to ensure that the applicant is in receipt of effective legal representation through legal aid. Considering

that the applicant is incarcerated almost for 9 years and as the trial is likely to take some time to conclude, on the ground of long incarceration, I am inclined to enlarge the applicant on bail. There are no criminal antecedents reported against the applicant. The case is based on circumstantial evidence. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Rajendra Rurendra Chaudhary in connection with C.R. No.I-346 of 2014 registered with Koparkhairane Police Station, Navi Mumbai 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 shall attend the Investigating Officer of Koparkhairane Police Station, Navi Mumbai twice a month i.e. on 1st and 3rd Sunday of every month between 11.00 am and 1.00 pm.
- (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.

(g) The applicant shall co-operate with the trial Court and shall remain present on every date when the trial is fixed and shall not seek unnecessary adjournments.

(h) The trial Court to ensure that the proper and effective legal assistance is provided to the applicant if the applicant is not represented or not in a position to engage a lawyer.

(i) The applicant shall not leave Thane district till the trial is concluded without permission of the trial Court.

8. The application is disposed of.

(M. S. KARNIK, J.)