



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

BAIL APPLICATION NO. 3976 OF 2023

MANISH BHARAT CHITTE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Aniket Nikam a/w Mr. Piyush Toshnival, Mr.Satyajeet
Mane i/b Mr. Amit Icham, for the Applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 15, 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 read with 34 of the Indian Penal Code, 1860, sections 4/25 of the Arms Act and under sections 37(1)(3) read with 135 of the Maharashtra Police Act registered on 22/10/2022 vide C.R. No.203 of 2022 with Malegaon police station.
3. There are 2 accused in all. The applicant is the accused no.1. The applicant was arrested on 22/10/2022.
4. The applicant is opposed by learned APP. It is

submitted by learned APP that offence is serious. The date of the incident is 21/10/2022. It is alleged that the present applicant who is accused no.1 assaulted the complainant by a sword. According to learned counsel for the applicant there are no criminal antecedents reported against the applicant. There is no reference of antecedents even in the order of the trial Court. The accusation is that the applicant assaulted the complainant by sword. The medical report of the civil hospital indicates that the injuries are simple in nature. The medical certificate of the private hospital mentions that one injury was on the head and the injuries are grievous and dangerous to life.

5. The applicant had earlier filed an application for bail in this Court. On 04/09/2023, this Court passed the following order which reads thus :

“1.Learned counsel for the applicant, on instructions, seeks leave to withdraw the present application with liberty to file a fresh application after 3 months, if the trial does not progress substantially.
2. Leave granted.
3. The bail application is allowed to be withdrawn with liberty as prayed for and disposed of accordingly.”

6. I am informed that charge has been framed. However,

evidence of the witnesses is yet to be recorded. The trial is not likely to conclude any time soon. The applicant is in custody for more than 1 year and 1 month. In this view of the matter, though learned APP vehemently opposed the application for bail, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Manish Bharat Chitte in connection with C.R. No. 203 of 2022 registered with Malegaon City 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) The applicant shall attend the investigating officer of Malegaon city police station once in a month on first Monday of every month 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 the jurisdiction of Malegaon City police station after being released on bail, till the trial concludes.

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

7. The application is disposed of.

(M. S. KARNIK, J.)