



Diksha Rane

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

BAIL APPLICATION NO.4040/2023

NITIN RAMESH NAGE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Senior Advocate Aabad Ponda a/w. Adv. Sumit Krishna
Kumar Tiwari for the applicant.

Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 20, 2023.

P.C. :

- 1.** Heard learned senior advocate 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, 506(2), 504 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) read with Section 37(1)(A) of the Maharashtra Police Act read with Section 4, 25 of the Indian Arms Act, registered on 18/3/2023 vide C.R. No.157/2023 with Kherwadi Police Station, Mumbai.
- 3.** The applicant was arrested on 18/3/2023. There was a

dispute ongoing in respect of a meeting convened on 16/3/2023 for the residents in the locality to decide if they wanted to organize an inauguration for Buddha Vihar. The informant was also present in the said meeting. Dr. Sachin Tambe allegedly voted against the inauguration, expressing that if they organized an inauguration now, they would not get the Buddha Vihar according to the new plan. Therefore, over this dispute, there were some altercations.

4. On 17/3/2023, the applicant assaulted the injured witness whose statement is found at page 37A. It is stated that the applicant tried to assault the injured witness on his head but the injured witness saved himself by holding the sword with his hand. The applicant suffered one large contused lacerated wound on his right hand as per the injury certificate.

5. The applicant had earlier filed an application for bail No.2193/2023 when the following order was passed.

“1. Learned counsel for the applicant, on instructions, seeks leave to withdraw the present application with liberty to apply after three months before this Court.

2. Leave granted. The application is allowed to be withdrawn with liberty as prayed for and disposed of accordingly.”

6. Considering that the applicant is in custody for almost

nine months with no possibility of the trial concluding any time soon, any further incarceration can only be by way of a pre-trial punishment. I did not find any reference to criminal antecedent reported against the applicant in the paper-book.

7. Learned APP though opposed the bail application by submitting that the applicant is responsible for the grievous injury caused to the injured witness, I am inclined to enlarge in the applicant on bail in the facts and circumstances of the present case by imposing conditions. It is submitted that considering the nature of the accusations, there is every likelihood that the witnesses may be threatened. I am therefore imposing conditions. The investigation is complete. The charge-sheet has been filed. The applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Nitin Ramesh Nage in connection with C.R. No.157/2023 registered with Kherwadi Police Station, 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 Kherwadi police station, Mumbai, once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m. till further orders of the trial Court.

(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 Kherwadi Police Station after being released on bail, till further orders of the trial Court.

(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.

8. The application is disposed of.

(M. S. KARNIK, J.)