

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.294 OF 2024

Vajjnath Ashok Jirage ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Priyal G. Sarda, Advocate for the Applicant.
Ms. Veera Shinde, APP for the Respondent-State.
PC, Mr. Vaibhav Shankar Pawar, B.No. 663, Karad City PS present.

CORAM : MADHAV J. JAMDAR, J.
DATED : 30th JANUARY 2024

P. C.

1. Heard Mr. Sarda, learned Counsel appearing for the Applicant and Ms. Shinde, learned APP appearing for the Respondent-State.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C.R. No.	970 of 2021
2.	Date of registration of F.I.R.	25 th December 2021
3.	Name of Police Station	Karad, District-Satara
4.	Section/s invoked	307, 504, 506 & 34 of IPC, 1860
5.	Date of incident	25 th December 2021
6.	Date of arrest	26 th December 2021
7.	Date of filing Charge-sheet	26 th February 2022
8.	Sections applied in Charge-sheet	302, 504, 506, 34 of IPC, 1860

3. As per the prosecution case, a previous rivalry existed between Accused No.1-Ajay *alias* Pilya Kale and the deceased-Sushant Katkar. The first informant and the deceased were watching a cricket match at the Shivaji Stadium in Karad. At that time, Accused No.1-Ajay Kale contacted them on their cellular phone and inquired about their location and then he also reached the said stadium. He told them that they would discuss about and settle an earlier dispute and on that pretext, all three arrived at the residence of one Vaijnath Jirage. Thereafter during the ensuing discussion, a heated argument broke out between Accused No.1-Ajay and the deceased. As per the prosecution case, Accused No.1-Ajay Kale brandished a knife from his jacket and inflicted an injury on the deceased. As far as the present Applicant is concerned, the role assigned to him is that he caught hold of the deceased from the rear side.

4. Initially the offence was registered under Section 307 of *Indian Penal Code, 1860* and as the deceased eventually succumbed to the injuries suffered during the said assault, Section 302 of *Indian Penal Code, 1860* has subsequently been invoked in the Charge-sheet.

5. Mr. Sarda, learned Counsel appearing for the Applicant submitted that even as per prosecution case, the role of the Applicant is limited. The deceased was assaulted with a knife by Accused No.1-

Ajay Kale. He submitted that although the Charge-sheet is filed on 26th February 2022, even the charge is not framed yet and the trial has not commenced. He submitted that as far as the present Applicant is concerned, a case of an offence under Section 302 of *Indian Penal Code, 1860* is not made out.

6. On the other hand, Ms.Kaushik, learned APP strongly opposed the Bail Application. She submitted that as per the prosecution case, the Applicant had caught hold of the deceased from behind when Accused No.1 assaulted the deceased with a knife. She therefore submitted that the Applicant has played major role and therefore the Bail Application be rejected.

7. Perusal of record shows that the incident in question occurred on 25th December 2021. The Applicant has been arrested on 26th December 2021 and Charge-sheet has been filed on 26th February 2022 and there is no progress in the trial. There are about 28 witnesses proposed to be examined by the prosecution. The trial is likely to take a considerably long time. The Applicant is in custody for about 2 years and 2 months. There is no recovery at the instance of the Applicant.

8. The Applicant does not appear to be at risk of flight.

9. The Applicant does not have any criminal antecedents.

10. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

(a) The Applicant- Vainath Ashok Jirage be released on bail in connection with C. R. No.970 of 2021 registered with the Karad Police Station, Taluka- Karad, District- Satara on his furnishing P. R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.

(b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(c) The Applicant shall report to the Karad Police Station, Taluka- Karad, District- Satara on the first and third Sunday of every fortnight between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

(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 such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the evidence and shall not contact or influence the Complainant or any witnesses in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

11. The Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]