

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

BAIL APPLICATION NO.1276 OF 2023

Nilesh Popat Rajiwade

.Applicant

Versus

The State of Maharashtra

.Respondent

Ms. Shubhangi Parulekar (through V. C.), Advocate, for the Applicant.

Ms. Supriya Kak, APP, for the Respondent – State.

Mr. Vyankat Pote, P.S.I., Wakad Police Station, Pimpri - Chinchawad, present.

CORAM: MADHAV J. JAMDAR, J.

DATE: 27.02.2024

P. C.

1. Heard Ms. Parulekar, learned Counsel appearing for the Applicant and Ms. Kak, 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.	654 of 2022
2.	Date of registration of F.I.R.	28.07.2022
3.	Name of Police Station	Wakad Police Station, Pune
4.	Sections invoked	307, 323, 504 & 506 of the I.P.C., 1860
5.	Date of incident	27.07.2022
6.	Date of arrest	28.07.2022
7.	Date of filing of Charge-sheet	25.10.2022

3. As per the prosecution case, the Applicant over took the injured in a rash and negligent manner. The Applicant was riding a motor cycle and the injured was driving a car. It appears that due to the said incident, some altercation took place between the Applicant and the injured and the same was escalated further and the Applicant has assaulted the injured with the knife. The Injury Certificate shows that there are three incise wounds and the nature of injury is a stab injury.

4. Ms. Parulekar, learned Counsel appearing for the Applicant submitted that the incident in question is a road rage, as the Applicant over took the injured in a rash and negligent manner. There was no intention to commit the offence in question. She, therefore, submitted that the Applicant may be granted bail.

5. Ms. Kak, learned APP appearing for the Respondent – State vehemently opposed the Bail Application. She submitted that although the incident in question is a road rage, however the Applicant has assaulted the injured with a knife. She further submitted that there are ten antecedents. Therefore, the bail may not be granted to the Applicant.

6. Insofar as the antecedents are concerned, Ms. Parulekar, learned Counsel appearing for the Applicant submitted that in one case, the Applicant is acquitted. Insofar as another case is

concerned, "A" Summary Report has been filed. She further submitted that in all these cases, the Applicant has been granted bail.

7. A perusal of the record shows that the incident in question occurred on 27.07.2022. The Applicant was apprehended on 28.07.2022. Charge-sheet was filed on 25.10.2022. Although there are several antecedents, the Applicant has been granted bail in those cases. Investigation is complete and Charge-sheet has been filed.

8. The trial is likely to take a considerably long time.

9. Ms. Parulekar, learned Counsel appearing for the Applicant states that as several witnesses are residing in the same locality as that of the Applicant, the Applicant will therefore not reside within District - Pune and that the Applicant will reside at the residence of Mr. Balu Vidhate, Near Shani Mandir, Nagar Road, Ahmednagar.

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

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

ORDER

(a) The Applicant - Nilesh Popat Rajiwade be released on bail in connection with C. R. No.654 of 2022 registered with the Wakad

Police Station, District - Pune on his furnishing P. R. Bond of Rs.50,000/- with one or two solvent sureties in the like amount.

(b) The Applicant shall not enter the Pune district after being released on bail, except for reporting to the Investigating Officer, if called and for attending the trial as well as other cases.

(c) 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.

(d) The Applicant shall report to the Ahmednagar Taluka Police Station, District - Ahmednagar once every week, on every Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Ahmednagar Taluka Police Station, District - Ahmednagar to communicate details thereof to the Investigating Officer.

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

(f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

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

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

12. The Bail Application is disposed of accordingly.

13. It is clarified that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]