

Arjun

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

BAIL APPLICATION NO.2667 OF 2023

Riyaj Rajsaheb Karajgi

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Umesh H. Pawar a/w Mr. Sagar R. Sonawane, for the Applicant.

Mr. Sameer M. Mangaonkar, APP, for the Respondent-State.

**CORAM : MADHAV J. JAMDAR, J.
DATED : MARCH 08, 2024**

P.C.:

1. Heard Mr. Pawar, learned Counsel for the Applicant and Mr. Mangaonkar, learned APP 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.	205 of 2022
2	Date of registration of F.I.R.	23/03/2022
3	Name of Police Station	Sangli City Police Station, District-Sangli
4	Section/s invoked	302, 201, 143, 147, 148, 149, 341, 323, 504 & 506 of the <i>I.P.C., 1860</i>
5	Date of incident	22/03/2022
6	Date of arrest	25/03/2022
7	Date of filing Charge-sheet	Charge-sheet is filed.

3. As per the prosecution case, the incident took place on 22nd March 2022 on the day of the festival of '*Rangpanchmi*'. The witness-Shubham Gajanan Shinde is a friend of the deceased-Rohan Chandrakant Naik. After the festival was over, he along with the deceased went to consume beer at a place named 'Swad Bar' near Sangli Bus Stand. In the said bar, all 7 Accused persons, were also consuming beer and some altercation took place between the witness-Shubham Gajanan Shinde, the deceased, and the Accused.

4. As per the prosecution case, the Accused were insisting that the deceased must apologise to them for the altercation in said 'Swad Bar'. The deceased was refusing to apologise and as the Accused continued insisting for the same, witness-Shubham Gajanan Shinde apologised on behalf of the deceased and sent witness-Sanket Kamble and the deceased-Rohan Chandrakant Naik away on his motorcycle. However, it appears that all the Accused persons chased the said motorcycle on their vehicles and obstructed the said motorcycle after some time and assaulted the deceased with a chopper, knife, and also with fist blows. As per the prosecution case, the Applicant assaulted the deceased with a knife.

5. Mr. Pawar, learned Counsel submitted that there are a total

of 7 Accused. Accused No.1-Raj Vishnu Patil, Accused No.4-Umesh Suhas Patil and Accused No.5-Shreyas Aashwin Shah were granted bail by the learned Trial Court. He submitted that Accused No.3-Sandesh Bajirao Pawar was granted bail by this Court and there is one Accused who is a child in conflict with law. He therefore submitted that out of the six Accused, four Accused have been granted bail. He further submitted that the incident in question took place when both, the Accused and the deceased were under the influence of alcohol and due to the quarrel which took place in the said 'Swad Bar' when all of them were consuming liquor. He further submitted that although the Applicant has been arrested on 25th March 2022 and Charge-sheet has been filed, there is no further progress in the trial. He also submitted that there are no antecedents against the Applicant.

6. On the other hand, Mr. Mangaonkar, learned APP strongly opposed the Bail Application. He submitted that there are eye-witnesses to the incident. The entire incident has been captured on C.C.T.V.. The present Applicant has assaulted the deceased with a knife and there is recovery of a knife at the instance of the Applicant.

7. However, perusal of the record shows that the incident in question occurred on 22nd March 2022, F.I.R. was lodged on 23rd

March 2022 and the Applicant was apprehended on 25th March 2022. Although, the Applicant is incarcerated for almost two years, there is no progress in the trial. As per the Charge-sheet, there are a total of 42 witnesses proposed to be examined by the prosecution. The trial is likely to take a considerably long time.

8. It appears that both, the Accused and the deceased and friend of the deceased i.e. Shubham Gajanan Shinde and others were consuming liquor in the said 'Swad Bar' and some altercation took place there and as a result of the same, the incident in question took place.

9. As most of the witnesses are from District-Sangli, Mr. Pawar, learned Counsel for the Applicant, on instructions, states that the Applicant will therefore not reside within District-Sangli and that the Applicant will reside at C/o. Mr. Milind Prakash Bansode, Laxmi Nagar, Dharangutti, Taluka-Shirol, District-Kolhapur - 416102 and the Applicant will not enter District - Sangli till the conclusion of the trial.

10. The Applicant does not have any criminal antecedents.

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

12. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

13. In view thereof, the following order:-

ORDER

- (a) The Applicant-Riyaj Rajsahab Karajgi be released on bail in connection with C.R. No.205 of 2022 registered with the Sangli City Police Station, District-Sangli on his furnishing P.R. Bond of Rs.25000/- with two local solvent sureties in the like amount.
- (b) The Applicant shall not enter the District-Sangli after being released on bail, except for reporting to the Investigating Officer, if called and for attending the trial.
- (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 Jaysingpur Police Station, District-Kolhapur 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 Jaysingpur Police Station, District-Kolhapur 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.

14. The Bail Application is disposed of accordingly.

15. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, and uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]