

AGK

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

BAIL APPLICATION NO.3337 OF 2025

Rajendra @ Rajaram Ashok Shekade ... Applicant

V/s.

The State of Maharashtra ... Respondent

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Mr. Ashok Shekade for the applicant.

Mrs. Mahalakshmi Ganapathy, APP for the respondent-
State.

Mr. Bharat Shinde for original complainant.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 4, 2025

P.C.:

1. By the present application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (for short, "BNSS"), the applicant is seeking his release on regular bail in connection with Crime Register No.286 of 2024 registered with Boisar Police Station. The offences alleged against him are punishable under Sections 109, 115, 352, and 351(2) of the Bhartiya Nyaya Sanhita, 2023 (for short, "BNS"), as also under Sections 3(5) and 4(25) of the Arms Act, 1959.

2. The prosecution case, briefly stated, is that on 1st July 2024 at about 9:05 p.m., the informant Mahesh was standing outside Sahadev Kirana Shop in the company of his friend Karim and the present applicant Jitu. During this interaction, the co-accused

allegedly hurled abuses aimed at the mother and sister of the informant in a casual and derogatory manner. When the informant objected, the co-accused left the spot, declaring that he would return along with his mother to settle the matter. It is alleged that thereafter, at around 9:20 p.m., the present applicant came back to the scene riding a motorcycle along with his brother, who was armed with a knife. Both are stated to have abused and assaulted the informant, and in the course of this scuffle, the applicant inflicted knife blows on the stomach and waist of the informant, while issuing threats to eliminate him. The injured was then shifted to Ravi Surgical Nursing Home, where surgical intervention had to be carried out.

3. Learned counsel appearing on behalf of the applicant submitted that during the pendency of the proceedings, the parties have amicably resolved their differences. He pointed out that the complainant himself has sworn an affidavit stating that the complaint was the outcome of a sudden outburst of anger and vengeance. However, keeping in mind the long-standing cordial relations between the families, and the fact that the applicant's wife and children are dependent upon him, the complainant has expressed that he has no objection to the applicant being released on bail. Learned counsel further relied upon the order dated 14th July 2025 passed by this Court in Bail Application No.107 of 2025, whereby the co-accused has already been granted bail. It is further submitted that the applicant has been behind bars since 3rd July 2024 and considering the nature of the injuries sustained by the complainant, coupled with the fact that the matter now stands

compromised, the applicant deserves the relief of bail.

4. Per contra, the learned APP has strongly opposed the prayer for bail. According to her, the nature of the offence is not such that it can be reduced to a mere private quarrel capable of settlement by compromise. She contended that such violent acts, especially when committed with the use of a deadly weapon like a knife, are crimes against the society at large. She argued that the informant's consent or no-objection cannot lessen the gravity of the crime, particularly when the injuries suffered by the victim were serious enough to warrant surgical treatment. She therefore urged that the bail application be dismissed.

5. At this stage, learned counsel for the complainant has tendered before this Court an affidavit of the complainant, affirming that he has no objection to the release of the applicant on bail. The said affidavit has been taken on record and is marked as Exhibit 'X' for identification.

6. I have considered the submissions advanced by the learned counsel for the applicant, the learned APP for the State, and the learned counsel appearing for the complainant. I have also perused the material placed on record, including the affidavit sworn by the complainant.

7. It is true that the allegations against the applicant are of assault with a knife, resulting in injuries to the complainant. Ordinarily, such acts are considered grave in nature, since they involve the use of a deadly weapon and have the potential to endanger life. However, while dealing with an application for bail,

the Court is not required to conduct a mini-trial, but to assess whether further detention of the accused is necessary for the purposes of investigation, trial, or to safeguard the interest of justice.

8. In the present case, the investigation appears to have been completed and the charge-sheet has already been filed. The applicant has been in custody since 3rd July 2024, i.e., for more than fourteen months. The trial is not likely to commence or conclude in the near future, having regard to the pendency of cases. Thus, prolonged pre-trial incarceration of the applicant would amount to punitive detention, which is impermissible in law.

9. Another significant circumstance is that the parties have amicably settled their dispute. The complainant himself has filed an affidavit before this Court, wherein he has stated that the complaint was lodged in a fit of anger and that he has no objection to the applicant being released on bail. While it is correct that offences of this nature cannot be treated as merely private disputes, the willingness of the victim to put the matter to rest does indicate that there is no apprehension of retaliation or further threat to the complainant. This factor, though not decisive, is nevertheless relevant while considering the question of bail.

10. Furthermore, this Court, by its order dated 14th July 2025 passed in Bail Application No.107 of 2025, has already granted bail to the co-accused.

11. Taking into account the overall circumstances, including the period of custody undergone, the settlement between the parties, the grant of bail to the co-accused, and the fact that further detention is not warranted for the purposes of investigation, I am of the view that the applicant has made out a case for being released on bail. At the same time, the apprehension of the prosecution regarding misuse of liberty cannot be ignored. Hence, adequate conditions can be imposed to ensure that the applicant does not tamper with the evidence, threaten witnesses, or repeat such acts.

12. Hence, following order is passed:

- i) The bail application is allowed;
- ii) The applicant is directed to be released on regular bail in connection with Crime Register No.286 of 2024 registered with Boisar Police Station for offences punishable under Sections 109, 115, 352, 351(2) of Bhartiya Nyaya Sanhita, 2023 and under Sections 3(5) and 4(25) of the Arms Act, upon furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:
 - a) The applicant shall report the Boisar Police Station on first Monday after every three months between 10.00 a.m. to 12.00 noon, until further orders.
 - b) The applicant shall not tamper with the evidence or attempt to influence any witness.

- c) The applicant shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
 - d) The applicant shall not leave the territorial jurisdiction of the Trial Court without prior permission.
 - e) The applicant shall not indulge in any criminal activity during the pendency of the trial.
 - f) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.
- 13.** The bail application is allowed and disposed of.

(AMIT BORKAR, J.)