



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 145 OF 2026

AJAY RAJKUMAR BIRAJDAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Satej S. Jadhav
APP for Respondent : Mr. P. P. Dawalkar
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 23-02-2026

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.388 of 2025 dated 30.09.2025 registered with Shivaji Nagar, Police Station, Latur, for the offences under Sections 109, 352 and 351 (3) read with 3 (5) of the *Bhartiya Nyaya Sanhita, 2023*. In the said crime, the applicant was arrested on 11.12.2025. Upon completion of the investigation, the chargesheet is filed on 26.12.2025.

2. The prosecution case is that on 29.09.2025, at 07.30 p.m., a verbal altercation ensued between the 19-year-old informant and accused No. 1 during a Dandiya event at Jaganath Mangalkaryalay, reportedly triggered by the latter pushing the informant. Following this, accused No. 1 summoned the informant to Rajiv Gandhi Chowk via telephone. When the informant and his cousin, Vaibhav, arrived at the location at 11:00 p.m., they were intercepted by three individuals on a Scooty (MH-24 T-5896) armed with long

knives (Kattis). Acting with common intention, accused No. 1 gave death threats. Accused Pratik stabbed the informant in the abdomen. When Vaibhav attempted to intervene, all three assailants assaulted him, causing injuries to his back, arm, and finger. The accused eventually fled the scene after hurling abuses and disclosing their identities. Subsequently, Saurabh, the informant's brother admitted both the victims in the hospital. Hence, the report.

3. The learned counsel for the applicant submits that the applicant lacked any motive or common intention to participate in the alleged offence. It is contended that the witness statements, recorded after an unexplained delay of four days, are biased and *prima facie* appears to be "got up" or fabricated. Further, the medical evidence fails to corroborate the specific allegations levelled against the applicant, suggesting a case of over-implication. The applicant has no criminal antecedents, no recoveries are pending, and the applicant has already been in custody for over two months, as such, further incarceration of the applicant is unwarranted. Hence, prayed to allow the application.

4. Learned A.P.P. has strongly opposed the application and contending that the offence is of a serious nature and that the applicant played an active role in its commission. It is contended that the medical certificate indicates severe and grievous injuries caused by a lethal weapon to a vital part of the injured. The

recovery of the weapon at the applicant's instance, which directly establishes a link to the crime. There is sufficient evidence on record. Hence, prayed to reject the application.

5. Upon considering the submissions of both sides and perusal of the record, including the chargesheet and the statements of the witnesses, *prima facie*, indicates that the recovery of a weapon and the gravity of the injuries, the applicant's role must be weighed against the four-day delay in recording witness statements, which raises a *prima facie* question regarding the spontaneity of the version presented. The contention of over-implication gains significance as the medical evidence must precisely corroborate the specific overt acts attributed to the applicant to justify continued pre-trial detention. Considering that the applicant has no criminal antecedents and has already undergone over two months of incarceration, and the investigation has progressed to a stage where further custodial interrogation is no longer required for recovery, continued confinement for the applicant appears unwarranted.

6. The investigation is complete for all intent and purpose, resultantly, the chargesheet is filed. Having regard to the number witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. As such, further incarceration of the applicant as an under-trial prisoner, in the circumstances of the case, does

not seem to be either warranted or justifiable. So far as apprehension expressed by learned APP is concerned, it can be adequately taken care of by imposing stringent conditions. I am, therefore, persuaded to exercise discretion in favour of applicant.

7. Hence, the order:-

ORDER

- (i) The bail application is allowed.
- (ii) Applicant, Ajay Rajkumar Birajdar, be released on bail, upon furnishing P.R. bond in the sum of Rs.50,000/- (Rs.Fifty Thousand) with one or two local solvent sureties, in the like amount, in connection with Crime No.388 of 2025 dated 30.09.2025 registered with Shivaji Nagar, Police Station, Latur, for the offences under Sections 109, 352 and 351 (3) read with 3 (5) of *the Bhartiya Nyaya Sanhita, 2023*, on the following conditions that :-
 - (a) The applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
 - (b) The applicant shall attend the trial on each and every date unless exempted by the trial Court and shall not leave the area of jurisdiction of the concerned Police Station till conclusion of the trial.
 - (c) The applicant shall submit *Aadhar* and Pan Cards to the Investigating Officer and detailed address and phone numbers and two of the near relatives.
 - (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (iii) Needless to state that the observations rendered herein are to the extent of this application and the trial Court shall not be influenced by the same.

[SACHIN S. DESHMUKH, J.]