Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3847 OF 2026

Nasir Jined Birajdar .. Applicant

Versus

The State of Maharashtra .. Respondent

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- Mr. Vaibhav Chandanshive, Advocate for Applicant.
- Ms. Rajeshree V. Newton, APP for Respondent – State.
- PSI – Mr. Aniket Kale, Khadki Police Station, Pune City present.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 13, 2026

P.C.:

1. Heard Mr. Chandanshive, learned Advocate for Applicant and Ms. Newton, learned APP for Respondent – State.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking bail in connection with C.R. No.126 of 2023 registered with Khadki Police Station for offences punishable under Sections 302 and 34 of the Indian Penal Code, 1860 (for short '**IPC**').

3. Applicant is indicted in an offence under Section 302 of the IPC solely on the basis of circumstantial evidence and has undergone incarceration for 3 years and 6 months in the present crime. First Informant is the brother of the deceased.

4. The deceased died due to a stomach ulcer. The statement of his brother-in-law appended at page No.56 indicates that they shared a relationship of trust, love and affection. The statement also refers to a request for money to purchase another rickshaw. Applicant is related to the deceased and had repeatedly demanded money from him to purchase a second rickshaw. Applicant was allegedly jealous of the deceased for having recently acquired a TVS Jupiter scooter.

5. Case of the prosecution is solely on the basis of circumstantial evidence with no person having seen, the deceased victim having being assaulted. Applicant is arrested on the next day solely on the basis of his previous history of quarrels with the deceased person on the basis of suspicion.

6. Considering the long incarceration of Applicant and the ignominy of the trial not being concluded in the near foreseeable future being certain, I am inclined to consider the ground of long incarceration for grant of bail to Applicant.

7. Hence, in view of above *prima facie* observations and findings, Bail Application of Applicant is allowed subject to the following terms and conditions:-

(i) Applicant – Nasir Jined Birajdar is directed to be immediately released from prison in connection with CR. No.126 of 2023;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs.15,000/- (Rs. Fifteen Thousand only) with one or two sureties in the like amount;

(iii) Applicant shall report to the Investigating Officer at concerned Police Station, once every month, on the first Monday of the month between 10:00 a.m. to 12:00 p.m. until commencement of trial and thereafter shall attend all dates of hearing before the Trial Court;

(iv) Applicant shall cooperate with the conduct of the trial and remain present before the Trial Court on all dates, unless specifically exempted. Applicant shall not seek unnecessary adjournments. Any such conduct shall entitle the prosecution to apply for cancellation of bail;

(v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed of his current residential address and mobile telephone number and shall forthwith inform the Investigating

Officer of any change in his residential address or mobile telephone number, as and when such change occurs; and

(viii) Any breach or infraction of any of the aforesaid conditions shall entail cancellation of the bail granted to the Applicant.

8. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made hereinabove in this order.

9. Bail Application is allowed and disposed in the above terms.

[MILIND N. JADHAV, J.]

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