

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

BAIL APPLICATION NO. 3260 OF 2025

Mr. Ajay Jayjayram Nishad Applicant

V/s.

The State of Maharashtra Respondent

Mr. Anirudh H. Yadav a/w. Mr. Viraj Gharat, Mr. Swapnil Dange
and Mr. Ravi Ranjan Singh for the Applicant.

Smt. P.P. Shinde, APP for the Respondent – State.

Mr. Gajanan Bhalerao, PSI, Boisor Police Station, Palghar, present.

CORAM : SHYAM C. CHANDAK, J.

DATE : 30th JANUARY, 2026

P.C. :-

1) Rejection of his prayer for bail by the trial Court led the Applicant to file this Application for his release on bail in C.R.No.130/2024 registered with Boisor Police Station, District Palghar for offence punishable under Sections 307, 324, 326 of the Indian Penal Code.

2) Heard Mr. Yadav, learned Advocate for the Applicant and Ms. Shinde, learned APP for the Respondent – State. Perused the record.

3) The prosecution case is that, on 25/03/2024, victim – Rajnish Bari, Ajit Kamathi and their friends were celebrating Holi festival near a gutter/drainage. At that time, the brother of the Applicant was standing there and he was drunk. The victim-Rajnish and his friends lifted and threw the brother of the Applicant into that drainage. This led to a verbal altercation where the Applicant's brother abused Rajnish and others, which was followed by a scuffle in-between the Applicant's brother and Ajit

Kamathi. At that juncture, the Applicant came there and abused them. Therefore, Rajnish and his friends threw the Applicant into the same drainage. Therefore, the Applicant beat them and went away. Thereafter, the Applicant came there armed with a knife and stabbed Rajnish and his friends namely Ajit Kamathi and Jitu Rajvansi. As a result, they sustained serious injuries. On the report filed by Kanchan Bari, mother of Rajnish Bari, present crime came to be registered. The Applicant was arrested and on completion of investigation, he came to be charge-sheeted.

4) Mr. Yadav, the learned Advocate for the Applicant submitted that, the present incident arose in the spur of the moment and without any premeditation. The victims provoked the Applicant by unnecessarily throwing him and his brother into the drainage. He further submitted that, all the three injured persons are out of danger. The case is pending since last two years without any progress. The Applicant is poor and his family is suffering immensely due to his continued incarceration. There is no likelihood of the Applicant absconding or tampering with the prosecution evidence. Therefore, the Applicant may be released on bail subject to suitable conditions imposed by this Hon'ble Court.

5) Mrs Shinde, the learned APP submitted that, the Applicant has unnecessarily stabbed three innocent persons with a knife merely because they were making fun of him. She submitted that, the victim-Rajnish was inpatient for more than a month. The other two victims were also seriously injured. As such, the offence is of serious nature. Therefore, bail may be

refused.

6) I have considered these submissions. Undoubtedly, the incident had occurred suddenly. The victims unnecessarily threw the Applicant and his brother into a drainage containing dirty/foul water. Needless to state that, falling into such a drainage poses a significant health risk. Therefore, it was natural for the Applicant to react with anger on being put in the gutter risking his life. Therefore, *prima facie* it appears that the incident had occurred due to the provocation by Rajnish and his friends. Be that as it may. Now all the injured persons are out of danger and the offence has not escalated further. The learned APP stated that, the charge is framed in August, 2024. However, no witnesses have been examined by the prosecution as stated by the learned Advocate for the Applicant. Even the Application under Section 294 of Cr.P.C. is not filed in the case by the prosecution. As such, the disposal of the case would take at least a year's time. Till then, the Applicant and his family will have to suffer due to his incarceration. There is no likelihood of the Applicant absconding or tampering with the prosecution evidence in any manner. As suggested by the learned APP, the learned Advocate for the Applicant, on instructions, stated that the Applicant will not reside within the jurisdiction of Boisor Police Station, Palghar till the trial in the present case is over.

7) In the wake of the above, the Applicant is entitled to be released on bail during pendency of the trial in the said case. Thus, I am inclined to allow this Application and pass following Order :-

- (a) The Applicant - Mr. Ajay Jayjayram Nishad shall be released on bail in connection with C.R.No.130/2024 registered with Boisor Police Station, Palghar on his furnishing P.R. bond in the sum of Rs.50,000/- with one/two sureties in the like amount.
- (b) The Applicant shall attend at Boisor Police Station, Palghar on 1st and 16th day of each calendar month between 10:00 a.m. to 12:00 p.m. till conclusion of the trial.
- (c) The Applicant shall attend before the trial Court on each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.
- (d) The Applicant shall not reside within the jurisdiction of Boisor Police Station, Palghar till the trial in the case is over.
- (d) The Applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence the prosecution witnesses to prevent them from deposing against him.
- (e) Before his release from jail, the Applicant shall provide his contact number and the detailed residential address where he would stay till the trial in the case is over.
- (f) In addition, the Applicant shall also provide contact number of one of his close relative who can be contacted if he has failed to abide by these conditions.
- (g) The Applicant shall not change his residential address without prior permission of the trial Court concerned.
- (h) If the Applicant disobeyed any of the above conditions,

the bail granted herein shall stand cancelled without further reference to this Court or the trial Court.

- 8) With above observations, the Bail Application is disposed of.
- 9) It is made clear that, the observations made in this Application are *prima facie* in nature and shall not be construed as an expression of opinion on merits. The trial Court to decide the said Sessions case on its own merits.

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(SHYAM C. CHANDAK, J.)