

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

Criminal Application No.338 of 2015

Shahajaha Masi Durrani. **.. Applicant.**

Versus

The State of Maharashtra. **.. Respondent.**

Shri. S.S. Kazi, Advocate, for applicant.

Shri. A.V. Deshmukh, Additional Public Prosecutor, for respondent.

With

Criminal Application No.284 of 2015

Sanjay s/o Namdeo Jadhav
And Another. **.. Applicants.**

Versus

The State of Maharashtra. **.. Respondent.**

Shri. Sudarshan J. Salunke, Advocate, for applicants.

Shri. A.V. Deshmukh, Additional Public Prosecutor, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 10th FEBRUARY 2015

ORDER:

1) Both the applications are filed for bail. Both the sides are heard. This Court has perused papers of investigation.

2) Crime is registered for offences punishable under section 313 read with 511 of the Indian Penal Code and sections 323, 504, 506, 34 of the Indian Penal Code at Begumpura Police Station Aurangabad at CR No.211/2014 on the basis of report given by the complainant Shantabai, wife of applicant Sanjay. It is stated that applicant Shahajaha is a lady having experience of delivery and abortion.

3) It is the case of the complainant that she has some dispute with her husband. It is her case that she was carrying and the husband was asking her to abort the child. It is her case that on 28-12-2014 her husband took her to applicant Shahajaha and Shahajaha said that she would give a tablet for abortion. It is her case that she refused to undergo abortion and then her husband

starting assaulting her there. Some relatives like her maternal uncle rushed and they rescued her from Sanjay. There is record like medical examination done at civil hospital and it shows that there was blunt trauma over back. The complainant was carrying of two months.

4) It appears that due to matrimonial dispute already a case is filed against the husband for offence under section 498A etc of the Indian Penal Code and in that case crime is registered at CR No.146/2012. The said case is still pending.

5) Learned Additional Public Prosecutor submits that there is danger to the life of the complainant from her husband so it is not desirable to release him on bail.

6) Submissions made show that the applicants are behind the bars since 29th and 30th December 2014.

7) In view of nature of allegations this Court holds that it is not desirable to keep the applicants behind the bars till disposal of the case. Charge-sheet will be filed

and it is not certain as to how much time will be required for disposal of the case. Subject to some conditions bail can be granted to the applicants.

8) In the result, the applications are allowed. The applicants are to be released on bail in Crime No. 211 of 2014 registered in Begumpura Police Station Aurangabad for offences punishable under section 313 read with 511 of the Indian Penal Code and sections 323, 504, 506, 34 of the Indian Penal Code on their furnishing PR and SB of Rs.15,000/- by each of them. They are not to tamper with prosecution witnesses. They are not to commit similar offences. The applicant-Sanjay, husband, is not to visit the residential place of the complainant till disposal of the case.

Sd/-
(T.V. NALAWADE, J.)

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