

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

Criminal Application No. 1207 Of 2015.
With
Criminal Application No.1249/2015.
With
Criminal Application No.1250/2015.
With
Criminal Application No.1334/2015.
(Assist to Public Prosecutor)
IN
Criminal Application No.1207/2015.

Cri.Appln.No.1207/2015.

DR. SANJAY S/O KISANRAO KHOPADE.
VERSUS
THE STATE Of MAHARASHTRA. & ORS.

Cri.Appln.No.1334/2015.

DR. Shalini Sanjay Khopade.
VERSUS
Dr. Sanjay Kisan Khopade.

Cri.Appln.No.1249/2015.

DR. Shalini Sanjay Khopade.
VERSUS
Kisanrao Manikrao Khopade & Ors.

Cri.Appln.No.1250/2015.

DR. Shalini Sanjay Khopade.
VERSUS
Dr. Bandu Devendrasingh Rajput & Ors.

Appearance =>

Mr. C.R. Deshpande, Advocate for the Applicant.

Mr. N.B. Patil, Additional Public Prosecutor for the State of Maharashtra.

Mr. S.S. Randive, Advocate for the First Informant.

CORAM : V.M. DESHPANDE, J.

DATE : 17th MARCH, 2015.

Per Court :-**ORDER IN CRIMINAL APPLICATION NO.1207 OF 2015.**

Heard Mr. C.R. Deshpande, learned counsel for the Applicant, Mr. N.B. Patil, learned Additional Public Prosecutor for the State and Mr. S.S. Randive, learned counsel for the first informant, in extenso.

[2] The applicant a Doctor is seeking protection under Section 438 of the Code of Criminal Procedure since he is apprehending arrest in connection with CR NO.29/2015 registered with Azhadnagar Police Station, Dhule, Dist. Dhule, for the offences punishable under Section.s. 307, 498(A), 341, 352, 323, 504, 506 and 143 the the Indian Penal Code.

[3] The learned counsel for the first informant strenuously urged before this court that the anticipatory bail should not be granted in favour of the present applicant, since the applicant has extended threats to her in connection of obtaining divorce from her.

[4] The marriage between the present applicant and the first informant solemnized on 3rd December, 1995. From the first information report itself it appears that since last five years, present first informant is residing separately from the present applicant and at present she is residing at Pune. It is also clear from the First Information Report itself that, proceedings for divorce have already initiated by the present applicant against the first informant and those are pending before the Matrimonial Court. According to the First Information Report, on 11th February, 2015 the first informant had been to the hospital of present applicant and that time, present applicant assaulted the first informant by knife.

[5] Police papers shows that, the first informant was not taken to the hospital by the police however, she was taken to the hospital by her brother. The injury certificate which is available on record clearly shows that, the first informant has received the injury in the nature of abrasion and those are simple in nature.

[6] Looking to the fact that, there is long standing matrimonial dispute pending between the first informant and the present applicant and looking to the nature of the injuries sustained by the first informant, it is clear that the present offence will not convert into more serious offence.

[7] Apprehension of the prosecution can be taken care by putting certain conditions upon the present applicant. Hence, I pass the following order :-

ORDER

(i) In the event of arrest, Applicant – Dr. Sanjay Kisanrao Khopade shall be released on bail on he executing P.R. Bond of Rs. 25,000/- [Rs. Twenty Five Thousand] with one solvent surety in the like amount, in connection with CR No.29/2015 registered with Azhadnagar Police Station, Dhule, Dist. Dhule, for the offences punishable under Section.s. 307, 498(A), 341, 352, 323, 504, 506 and 143 the the Indian Penal Code.

(ii) The applicant shall attend Azhadnagar Police Station, Dhule, Dist. Dhule on every Sunday in between 2.00 p.m. To 4.00 p.m.

(iii) The applicant shall not contact the First Informant and shall not extend any threat to the first informant.

(iv) The applicant shall not influence and/or tamper with the prosecution witnesses.

(v) With this, Criminal Application is disposed of.

(V.M. DESHPANDE, J.)