

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4216 OF 2015

Santosh s/o Dattatraya Jadhav
and anr.

..APPLICANTS

VERSUS

The State of Maharashtra

..RESPONDENT

Mrs M.D. Thube-Mhase, Advocate for applicants;
Mrs M.A. Deshpande, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 21st August, 2015

ORAL ORDER :

The applicants before this Court are the husband and wife and applicant no.2 is alleged to have illicit relations with accused no.1 Sagar, who is already arrested.

2. The case of the prosecution against the present applicants is that they connived together and have attacked the complainant Ashwini, wife of accused no.1 Sagar. There is no dispute that the parties are related to each other. Out of the above referred incident, offence punishable under section 307 read with sec. 34 of the Indian Penal Code came to be registered vide C.R. No.I-171 of 2015 at police station, Shrigonda, District Ahmednagar.

3. After the investigation was set in motion, it was noticed that the main accused in the present case is Sagar and, as such, he stood arrested and there was recovery from him.

4. The prayer for pre-arrest bail is objected by the learned A.P.P. appearing on behalf of the State, on the ground that there is enough material available against the present applicants, demonstrating their *prima facie* involvement in the offence in question. Learned A.P.P. has urged that the present applicants have assaulted the complainant Ashwini, who happens to be wife of accused no.1 Sagar, as applicant no.2 – accused Rukmini was having illicit relations with accused no.1 Sagar, who is married to complainant, which fact can be witnessed from the statements of the witnesses, namely, grand-mother of applicant no.1, his mother, etc.

5. It is required to be noted here that the attributions against the present applicants are that they have assaulted the complainant Ashwini with fist blows.

6. The main accused Sagar, against whom specific role has been attributed in the first information report, has already been arrested and there is seizure shown from him.

7. In view thereof, in my opinion, it will be appropriate to release the present applicants on pre-arrest bail. Hence, following order :-

Criminal Application stands allowed.

In the event of arrest of the applicants, in connection with C.R. No.I-171 of 2015, registered with police station, Shrigonda, District Ahmednagar, for offences punishable under section 307 read with sec. 34 of the Indian Penal Code, they be released on bail, on each of them furnishing P.R. Bond of Rs.10,000/- with one surety in the like amount, on following conditions :-

- I) Till completion of the investigation, the applicants shall remain outside the limits of Shrigonda;
- ii) The applicants shall furnish their contact numbers and address of their stay to the Investigating Officer;
- iii) The applicant shall attend the concerned Police Station as and when called for.

(N.W. SAMBRE, J.)

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