

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1029 OF 2015

Pramod Prabhakar Bhoir. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Rajeev Patil, Senior Counsel i/b. Mr. V.V. Purwant, advocate for Applicant.

Mr. Y.M. Nakhwa, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : JULY 13, 2015

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State. Perused the papers.

2 This is an application under Section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested in Crime No. 16 of 2015 registered at Narpoli Police Station, Thane for offence punishable under Section 307, 498A, 406 read with Section 34 of the Indian Penal Code.

3 The applicant herein got married to the complainant on 28/11/2013. On 14/1/2015 the wife of the present applicant lodged a report at the police station alleging therein that she was harassed and ill-treated by all the members of her matrimonial family. That there was demand of Rs. 50 Lakhs for purchasing godown. On 7th May, 2014 at night her mother-in-law, father-in-law, sister-in-law and her husband had once again demanded Rs. 50 Lakhs. They were coercing her to fetch the amount from her parents. She was requesting them that she would go to her maternal house in the morning. That the accused persons had denuded her of all her ornaments. She was assaulted by fists and kick blows. They had gagged her mouth and thereafter, her husband assaulted her with stick on her legs and on other parts of her body. Her sister-in-laws have assaulted her by fists and blows and after some time, they had thrown her on the ground from the second floor. She had sustained grievous injuries and had become unconscious. She was admitted in the hospital by the applicant. According to her, at that time also she

was threatened not to inform about the incident to anybody and therefore, she had not disclosed the incident to anybody. She has sustained fracture. She was discharged from the hospital in June, 2014. She had gone to her maternal house and stayed there. She was discharged from the hospital on 19th May, 2014. Thereafter, she had to be admitted in the hospital on 3rd October, 2014 and discharged on 6th October, 2014. She had sustained multiple fractures. The doctor has opined that she has undergone multiple surgery and would need to take rest for one year for complete recovery. The doctor has also opined that there is every possibility that the said injury would leave her with some partial permanent deformities.

4 The learned APP submits that on the basis of the opinion given by the doctor, it can be said that the applicant had attempted to cause her death. However, the Senior Counsel for the applicant submits that although she was discharged on 6th October, 2014, for the first time she had approached the police station in the month of

January 2015. There is no plausible explanation for the inordinate delay in filing the FIR.

5 The investigation is completed and charge-sheet is filed. The applicant has been in jail for more than 6 months. From the injury certificate it appears that the complainant has sustained grievous injuries and it will take almost one year to recover. The medical certificate shows that the brother of the injured had accompanied her to the hospital. Her parents and her siblings were visiting her quite often. The history shown in the medical certificate is as follows : “alleged history of fall from the terrace at mid-night”. It cannot be believed that the complainant had not informed her parents about the incidence meted out to her especially when she had sustained grievous injuries.

6 The learned Senior Counsel upon instructions submits that there are no other criminal proceedings filed by the complainant in any

other court. The possibility that there may be amicable settlement cannot be ruled out.

7 Since the applicant has been in jail for more than 6 months and charge-sheet is filed, the applicant deserves grant of bail.

8 It is made clear that the above observations are prima facie in nature. The same shall not be considered while deciding application for discharge or application for quashing of FIR or at the time of trial. The learned trial Court shall decide the matter uninfluenced by the observations made by this Court.

9 Hence, following order is passed.

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- and one or two sureties in the like amount.

(iii) The applicant shall report to the concerned police station as and when called and shall cooperate with the investigating agency to the best of his capacity.

10 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)