

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1511 OF 2015

Sudarshan Prakash Patil ... Applicant

vs.

The State of Maharashtra ... Respondent

Mr. S.V. Marwadi i/b. Mr. V.A. Thakkar, for the Applicant.

Mrs. M.H. Mhatre, APP for Respondent – State.

Mr. S.A. Shaikh, for Respondent No. 2/ Complainant.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **21st MARCH, 2016**

P.C.:

. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 498(A), 324, 504, 506 and 307 read with 34 of the Indian Penal Code in C.R. No. I-128 of 2015 registered with Manor police station, Palghar. The offence is registered by one Savita Patil on 13th September, 2015. It is the case of the prosecution that the applicant/accused and the complainant married two years prior to the date of the incident.

2. It is the case of the prosecution that the applicant/accused used to demand money from the complainant continuously. She was working as a Teacher in the school. The applicant/accused used to abuse her regularly. He took away her mobile phone and gave his old cell phone to her. It is the case of the complainant that on 10th September, 2015 when the complainant-wife was at home, she questioned the applicant/accused about her cell phone, at that time, the applicant/accused warned her and told that he did not receive anything from her parents. The applicant/accused pulled her hairs and started assaulting her. She sustained injury and therefore she could not go to school on that day and had to take leave. On the next day i.e. 11th September, 2015 in the morning at 8.30 a.m the applicant/accused demanded her ATM card and when she refused to give, he pulled her hairs and assaulted her with fist blows on her face and on all over her body. Then he pressed her mouth. She tried to resist and opened the door of the balcony and started shouting. He again pulled her inside and tried to throttle her. He put his two fingers in her throat, twisted her neck and pushed her head on the wall. Thereafter, she collapsed. When she regain her consciousness, she found her neighbours around her and they shifted her to the

hospital. She treated there and thereafter sent to Palghar for further treatment. Hence, this complaint.

3. The learned counsel for the applicant/accused submits that the applicant is on pre arrest bail since last 6-7 months. He is regularly attending the police station. He submits that this is not the case under Section 307 of Indian Penal Code. Section 307 of I.P.C. was subsequently added. He further submitted that the allegations made against the applicant/accused are false and imaginary. He submits that the charges of withdrawal of money and harassment on the ground of money are false.

4. The learned prosecutor and the learned counsel for the complainant both oppose the application. The learned prosecutor produced papers of investigation alongwith some photographs of the complainant. She also relied on the statements of witnesses who are the neighbourer of the complainant.

5. Perused all the documents. The offence is registered in September, 2015 and since then the applicant/accused is on interim

pre arrest bail. He is attending the police station. While considering the case under Section 438 of Cr.P.C, it is necessary for the Court to also consider the gravity of the offence. After going through the photographs and the statements of the witnesses, it appears that the applicant/accused has beaten the complainant mercilessly. This offence is against a woman. The applicant/accused had showed total disrespect towards his wife and beat her. This is not the case to grant pre arrest bail.

6. Hence, the anticipatory bail application stands rejected. The police to follow the procedure before arresting the applicant/accused.

(MRS.MRIDULA BHATKAR, J.)