

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2534 OF 2015

Suraj Sandeep Surve .. Applicant
Versus
The State of Maharashtra .. Respondent

Mr.M.N.Kocharekar i/b Mr.A.N.Gosavi, Advocate for the applicant.

Mr.Deepak Thakre, APP for the Respondent State.

CORAM : PN. DESHMUKH, J.

DATED : 8th JUNE 2016

P.C. :

1 Heard learned counsel for the parties.

2 This application is filed by the applicant involved in Crime No.227 of 2015 registered with D.N.Nagar Police Station for the offences punishable under section 307 IPC, 342 IPC r/w section 37(1)(a) of the Bombay Police Act.

3 According to the learned counsel for the applicant, inspite of applicant having love relations with the complainant – Snehal for a long period as she married to some other person, and did not inform the said fact to the applicant, the incident took place. However, it is contended that no provisions u/s.307 IPC would be attracted as there are no injuries sustained by the victim which would come within the ambit of such penal provision, and

has thus prayed that the application be allowed since charge-sheet is already filed, and there is no possibility of trial being commenced in near future.

4 Mr.Thakre, learned APP has opposed the application on the ground that applicant has committed a pre-planned assault by inviting victim Snehal to a Hotel and having knowledge of her getting married to one Vishal Rasal committed assault on her. Learned trial Court, while rejecting the application, observed that in the event of applicant being released on bail, there is a possibility of his harassing Snehal and also to commit assault on her in future. However, it is stated at the bar, on behalf of the applicant that applicant is now residing at Ratnagiri while Snehal is residing at Vasai in Thane District.

5 In that view of the matter and *prima facie* since it appears that the incident of assault by the applicant is an outcome of Snehal marrying to some other person though having continuing relations with the applicant and not disclosing to applicant about her marriage with Vishal, the applicant deserves to be released on bail. As the applicant is residing at Ratnagiri, the apprehension of applicant committing assault or threatening to Snehal does not stand for any reason as she is residing at Vasai.

6 Application is allowed as per the order below.

O R D E R

i) The applicant shall be released on bail on P.R. Bond of Rs.25,000/- with one surety in like amount.

ii) The applicant, while on bail shall not tamper with the evidence nor shall make any attempt to meet the victim i.e. Snehal Vishal Rasal. In the event any such attempt is found to have made by the applicant, prosecution is at liberty to take necessary steps for cancellation of bail.

iii) The applicant, while on bail, shall mark his presence with the Investigating Officer, D.N. Nagar Police Station once in three months, pending trial and shall mark his presence with Ratnagiri City Police Station on 1st day of each month. Inform concerned police station accordingly.

(PN. DESHMUKH, J)