

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

CRIMINAL BAIL APPLICATION NO.1301 OF 2017

Shrikant Vishwas Pawar	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

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Mr. Pratap Patil, Advocate for the Applicant.
Mrs. Veera Shinde, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : JUNE 14, 2017.

P.C. :

This is an application for bail. The applicant is arrested on 9th October, 2016 in connection with C.R.No.388 of 2016 for the offences punishable under Sections 326, 498 and 506 of IPC. Subsequently, Section 307 was added by the investigating machinery.

2 It is the case of the prosecution that the applicant - accused is the husband of the complainant. He was ill-treating the complainant. The marriage between the applicant and the complainant was solemnized on 23rd February, 2015. The complainant was pregnant at the time of the alleged incident. It is

alleged that the applicant wanted to get married to another woman and, therefore, he was ill-treating the complainant. On 3rd October, 2016 quarrel took place between the applicant – accused and the complainant. To get rid of complainant, the applicant banged the head of the complainant on the wash basin as a result of which she sustained head injuries. Thereafter, on 8th October, 2016, FIR was lodged.

3 The applicant was arrested on 9th October, 2016 and since then he is in custody. The investigation is completed and charge-sheet has been filed.

4 Learned advocate for the applicant submitted that taking into consideration the complaint as it is, the offence under Section 307 of IPC is not made out. He further submitted that except the alleged incident dated 3rd October, 2016, there is no complaint registered against the applicant. He further submitted that the charge-sheet has been filed and the custody of the applicant is not required for any purpose.

5 Learned APP has opposed the application. She pointed out the statement of witnesses recorded by the police

which shows the conduct of the applicant. She submitted that the applicant had assaulted the complainant which had resulted in injury to her. She, therefore, submitted that the application for bail be rejected.

6 Perused the FIR. The incident of assault has allegedly committed on 3rd October, 2016. there are no other allegations with regard to demand of dowry. I have perused the medical certificate. The nature of injuries sustained by the victim is simple in nature. The applicant is in custody from 9th October, 2016, charge-sheet is already filed. In the circumstances, I am inclined to allow this application.

7 Hence, I pass the following order:

:: ORDER ::

- (i) The applicant is directed to be released on bail in connection with C.R.No.338 of 2016, registered with Dahisar Police Station, on executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount;

- (ii) The applicant is directed to attend Dahisar Police Station, once in a week on every Saturday between 11.00 a.m. to 1.00 p.m., till further orders;
- (iii) The applicant shall not tamper with the prosecution witnesses;
- (iv) Criminal Bail Application is disposed of accordingly.

(PRAKASH D. NAIK, J.)