

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1431 OF 2017

Suraj Arvind Yeshwantrao

Applicant

versus

The State of Maharashtra

Respondent

Mr.Kuldeep Patil with Mr.Hitesh Dabhi for Applicant.

Mr.A.R.Kapadnis, APP, for State.

CORAM : PRAKASH D. NAIK, JJ.

DATE : 18th July 2017

PC :

1. This is an application for bail in connection with CR No.265 of 2016 registered with Bangur Nagar Police Station, Mumbai. The first information report was lodged by the wife of the Applicant on 5th October 2016 for offence under Section 307 of Indian Penal Code read with Section 37(1) of Maharashtra Police Act.

2. The prosecution case is that there is dispute between the complainant-wife and the Applicant-accused. Divorce petition filed by the complainant and petition for custody filed by the Applicant is pending in the Court. It is alleged that on the date of incident i.e. on 15th October 2016, the Applicant followed the complainant at her residential building and assaulted her by knife, which he was carrying with him. The complainant sustained injuries on her back. The Applicant was arrested on 15th October 2016.

3. Learned advocate for the Applicant submitted that the Applicant is in custody from 15th October 2016. The investigation is complete and charge sheet has been filed. He submitted that there was no intention to commit murder. He submitted that the injured has sustained injuries, however, they were simple in nature. It is submitted that there are disputes between the Applicant and the injured person. It is submitted that taking into consideration the fact that the Applicant is in custody since the date of arrest, he may be granted bail by imposing conditions.

4. Learned APP opposed the application. He submitted that the Applicant has committed serious crime. He wanted to kill the complainant, however, she had managed to run away from the place of incident. The complainant has sustained four injuries on her person. It is submitted that if the Applicant is released on bail, he is likely to repeat the offence. It is submitted that the application may be rejected.

5. On perusal of the documents, it is apparent that there are matrimonial disputes between the Applicant and the complainant. No doubt the Applicant has no right to assault his wife and indulge into the act as has been committed by him. However, taking into consideration the fact that the Applicant is in custody from 15th October 2016 and charge sheet has been filed, the Applicant can be granted bail on certain conditions.

6. Hence, I pass following order :

ORDER

- (i) Bail Application No.1431 of 2017 is allowed;
- (ii) The Applicant is directed to be released on bail in connection with CR No.265 of 2016 registered with Bangur Nagar Police Station, Mumbai, on furnishing PR bond in the sum of Rs.30,000/- with one or more sureties in the like amount;
- (iii) The Applicant shall not enter the area of Malad (West) and within the jurisdiction of Bangur Nagar Police Station till further orders;
- (iv) The applicant shall not threaten the complainant;
- (v) The Applicant shall not visit the residential and/or office premises of the first informant-wife;
- (vi) The Applicant shall attend Boriwali (West) Police Station once in a month on every first Saturday between 11.00 a.m. and 1.00 p.m;
- (vii) The application is disposed off.

(PRAKASH D. NAIK, J.)

MST