

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.1097 OF 2017

Suresh @ Khushal Dadaji Kosare, Khati Mohalla, Ward No.3, Sawali, Dist. Chandrapur

-vs-

State of Maharashtra, Thr. PSO, PS Sindewahi, Dist. Chandrapur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A. A. Dhawas, Advocate for applicant.
S. M. Ghodeswar, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.

DATE : November 27, 2017

The applicant who has been arrested on 06/02/2017 in connection with Crime No.73/2017 registered with Police Station Sindewahi, Dist. Chandrapur for the offence punishable under Sections 307, 324 and 450 of the Indian Penal Code seeks his release on bail.

As per the First Information Report dated 05/02/2017, the informant who is the wife of the applicant has stated that she was residing at her parents' house on account of harassment caused by the applicant. On 05/02/2017 she received a call from the applicant in which he stated that he would come to the informant's house. The informant told him not to come there. At about 8 pm on said date, the applicant came to her house and started quarreling with her parents. He took out a knife and assaulted her father and thereafter her mother. They were taken for treatment after which the report was lodged. The applicant was arrested on the next day.

It is submitted on behalf of the applicant that the incident in question has occurred on account of strained matrimonial relations. Though there are injuries on the body of the in-laws of the applicant, they were discharged after treatment within period of seven days. The investigation is now complete and charge-sheet has been filed on 28/04/2017. The applicant therefore deserves to be released on bail on imposing appropriate conditions.

The application is opposed by the learned Additional Public Prosecutor by relying upon the reply. It is submitted that considering gravity of the offence and injuries sustained by the in-laws the applicant does not deserve to be released. If he applicant is enlarged on bail there is likelihood of threats being given to the informant.

Perused the First Information Report as well as other documents filed along with charge-sheet. Though injuries have been sustained by the in-laws, they were discharged after treatment of about seven days. The charge-sheet in question though filed on 28/04/2017, it is not likely that the trial would commence within a short period. The applicant is behind bars for more than eight months. Appropriate conditions can be imposed so that the informant is not threatened.

Hence the applicant Suresh @ Khushal Dadaji Kosare who has been arrested on 06/02/2017 in connection with Crime No.73/2017 registered with Police Station Sindewahi, Dist. Chandrapur for the offence punishable under Sections

307, 324 and 450 of the Indian Penal Code, is directed to be released on bail on furnishing PR Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one surety in the like amount.

After his release the applicant shall not enter the limits of Sindewahi Tahsil till completion of the trial except as and when called by the Investigating Officer. No steps be taken to influence the prosecution witnesses.

The observations made in this order are only for deciding this application which is allowed and disposed of.

JUDGE