

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.139 OF 2018**

Rupali Manoj Torane Applicant

Vs.

The State of Maharashtra Respondent

Mr. Sagar Tambe i/by Mr. Ritesh Thobde for the Applicant.

Mr. S.R. Agarkar, APP for the State.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 18th June, 2018

P.C.:

1 Heard the learned counsel for the applicant and the
learned APP

2 This is an application under Section 439 Code of Criminal
Procedure. The applicant herein is arrested on 24th July 2017 in
Crime No.513 of 2017 registered at Sangola Police Station for the
offences punishable under Sections 307, 323, 504, 506 read with 34
of Indian Penal Code.

3 It is the case of the prosecution that on 24th July 2017,
Manoj Bapu Torane, husband of the present applicant lodged a

report at the police station that initially he was working as a Driver at Mumbai. His family was at village Chopadi, Taluka Sangola and used to visit his family i.e. his wife and two daughters once in a week or once in a fortnight and used to stay for 3-4 days. He has specifically mentioned that he is addicted to alcohol and that was the cause for the quarrels between him and his wife. It is specifically stated that whenever he used to visit his family, his wife used to raise quarrels and had denied him for nuptial relationship. It is alleged that she used to conceal her cellphone. He had suspected that she has relationship with someone else. On 30th June, 2017, he returned to Chopadi that she had sent him to the market to get gas stove repaired and thereafter he returned home at about 9.00 to 9.30 pm. He had expressed the desire to have dinner together, however, she informed him that she already had her meals and so he had left the house. He returned at about 11.00 to 11.30 pm, he found his wife in the company of the co-accused, who happens to be an Advocate by profession. There was verbal altercation between husband and wife and that he had slapped her, upon which the Advocate had tried to

overpower him and the present applicant had tried to strangulate him with a rope. He was admitted in the hospital on the next day. He was unconscious. He was discharged from the hospital on 3rd July 2017. Thereafter his wife had left the house with his daughters. The statement of the complainant is also recorded under Section 164 of Cr.P.C. The applicant herein is arrested on 26th July 2017 and since then he is in the custody.

4 Learned counsel for the applicant vehemently submits that there is delay of about 22 days in lodging the F.I.R.. There is no plausible explanation for the inordinate delay in lodging the F.I.R. It is also submitted that the present applicant was in an abusive relationship since the complainant was addicted to alcohol and was not residing with her. Be that as it may, taking into consideration the fact that the applicant has to look after her two minor daughters, who are in custody of her parents, the applicant deserves to be enlarged on bail. It was a matter of record that the injury certificate or admission and discharge papers of the complainant are not on

record despite the fact that they were called for. Taking into consideration all these aspects, the applicant has made out the case for grant of bail. However, it is made clear that co-accused, Advocate Torane shall not claim bail on the ground of parity.

5 The observations are prima facie in nature and shall not be considered for discharge application or at the time of trial. Hence, the order :

ORDER

- i) The application is allowed.
- ii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.30,000/- with one or more solvent sureties in the like amount.
- iii) The applicant shall give an Undertaking to the Sessions Court after commencement of the trial i.e. at the time of framing of charge that the applicant would not file any exemption application or seek unwarranted adjournments.

(Smt. Sadhana S. Jadhav, J)