

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

BAIL APPLICATION No. 1514 OF 2018

Vitthal Suryabhan Khatal

...Applicant

Vs.

State of Maharashtra

...Respondent

Mr. Ritesh Thobde for Applicant

Mr. S.H. Yadav-APP

Mr. R.R. Gondhe, PSI, Karmala Police Station, Solapur ®.

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JULY 12, 2018

P.C.

1. Heard. This is an application filed under section 439 of the Criminal Procedure Code.
2. The Applicant herein is arrested on 25th March, 2018 in Crime No. 233 of 2018 registered at Karmala Police Station for offences punishable under Section 307, 323, 504, 506 r/w. 34 of the Indian Penal Code. The investigation is completed and the charge-sheet is filed.
3. It is the case of the prosecution that on 24th March, 2018, Sandhya

Khatal, who happens to be the legally wedded wife of the present Applicant lodged a report at the police station alleging therein that her husband has remarried. She has filed a case against her husband at Karmala as well as Barshi Police Station. One of the case was amicably settled. She was residing in the agricultural land, whereas her husband was residing in the village with his second wife. That the Applicant and his second wife were troubling her on the ground that she had filed cases against them and finally on 24th March, 2018, both of them along with the paternal uncle of the present Applicant, her brother-in-law had been to the agricultural land and were insisting upon her to withdraw the cases and thereafter, she was assaulted with fist and kick blows and sticks. Thereafter, they wanted to push her on the railway track and they had tied her hands with rope. She was rescued by her daughter aged about 12 years. According to the complainant, there was an attempt to eliminate her and fortunately she was rescued by her daughter.

3. It appears from the papers of investigation that there were strained relations between the husband and wife. That she had filed cases against her husband under section 24 of the Hindu Marriage Act. The Applicant had also filed cases against the Complainant inasmuch as she had eloped with her neighbor and, secondly, the Applicant has filed petition under section 13(1) (i)

of the Hindu Marriage Act at Barshi.

4. In view of the papers of investigation and the material placed on record, the Applicant deserves to be enlarged on bail. The observations are prima facie in nature and shall not be considered for discharge application or at the time of trial. Hence, the following order.

ORDER

- (i) Application is allowed.
- (ii) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- and one or more solvent sureties in the like amount.
- (iii) The Applicant shall co-operate with the investigating agency, as and when called.

Application stands disposed of in the aforesaid terms.

[SMT. SADHANA S. JADHAV, J.]