

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2206 OF 2019**

Ramdas Jayappa Khot	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms. Saroj Shinde for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent-State

API Mr. Bhushan Bhoje from Kurar Police Station, is present

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 17th OCTOBER 2019

P.C.

1 Heard learned counsel for the parties.

2 This is the second anticipatory bail application filed by the applicant. The first application filed by the applicant was withdrawn after arguing for some time, as the Court was not inclined to grant pre-arrest bail to the applicant. Accordingly, the first anticipatory bail application of the applicant was dismissed as withdrawn.

3 Learned counsel for the applicant submits that the change of circumstance warranting filing of the second anticipatory bail application is

that the complainant-Indumati Khot, wife of the applicant has settled the dispute with the applicant. Learned counsel for the applicant relied on the affidavit of Mrs. Indumati Khot, which is annexed to the application at page 90. In the said affidavit, the complainant has stated that there is a family settlement between her and the applicant and that the applicant has promised to treat her and the children well and has also undertaken to take the full responsibility of the children and has also promised not to repeat the mistake again. The complainant is present in Court and does not dispute filing the said affidavit and the fact that there is settlement between her and the applicant.

4 By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 284 of 2019 registered with the Kurar Police Station, for the alleged offences punishable under Sections 307 and 438 of the Indian Penal Code.

5 According to the complainant, she was married to the applicant in 2008. According to the complainant, it was her second marriage as well as applicant's second marriage. The complainant had a daughter from her first husband. The complainant has alleged that the applicant was refusing to maintain her daughter from the first marriage, pursuant to which, there

used to be frequent quarrels between her and the applicant. She has alleged that the incident took place on 20th July 2019, when the applicant asked her to give Rs. 1,00,000/- as he wanted to go to his native place. She has alleged that when she refused, the applicant started fighting with her and banged her head on the wall and forcibly poured 'Aala' as well as 'Phenyle' in her mouth. Pursuant thereto, the complainant was taken to the hospital and the aforesaid complaint was lodged.

6 It appears that the applicant is a handicap person, suffering about 85% disability and is also a cancer patient. He has also been operated for brain tumor. It appears that the applicant and the complainant have amicably settled their dispute and applicant had promised to take full responsibility of the children.

7 Considering the aforesaid, application is allowed on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station, as and when called;

(iii) The applicant shall not commit similar act/offence in future.

8 The application is disposed of in the aforesaid terms.

9 It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

10 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.