

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1190 OF 2020

Trivkram Vishwanath Rathod	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. N. S. Ghanekar, Advocate for applicant
Mr. S. W. Munde, APP for respondent - State

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**CORAM : R. G. AVACHAT, J.
(Vacation Court)**

DATED : 11th NOVEMBER, 2020

PER COURT :

. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.I-01 of 2020, registered with Kranti Chowk Police Station, Aurangabad, for the offences punishable under Sections 307, 316, 498-A, 109, 201, 323, 506 read with 34 of the Indian Penal Code and Section 4 of Dowry Prohibition Act.

2. Heard. Perused the First Information Report (FIR) and related papers.

Last time, the learned APP was asked to take instructions as regards injury-blunt trauma on abdomen right side simple in nature, mentioned in injury certificate. The learned APP, on

instructions, informs that it was not an injury, but the history given by the victim. The FIR has been lodged on 31.12.2019 by the wife of the applicant. It is alleged in the FIR that she married the applicant in March-2018. The applicant was unemployed. Since the day of marriage, mother-in-law, brother-in-law and both the sisters-in-law have been harassing her. They would ask her to fetch rupees two lakh from her father for setting up a shop. Komal - one of the sisters-in-law, is a Government Pleader at Shrirampur. On 31.12.2019, by 8.00 p.m., she made a telephone call and asked her brothers to eliminate the informant. Thereupon, the brother-in-law, forcibly administered one tablet to the informant. As a result thereof, she threw up. The informant was pregnant of three months. Again on the next morning, the mother-in-law started assaulting the informant. She questioned her whether she had bleeding from her private part. The brother-in-law gave kick on her abdomen. The applicant, instead of coming to the rescue of the informant he gave fist blows on her stomach/abdomen. The informant herself got rescued and went to the police station to lodge the report. A lady constable admitted the informant to Ghati Hospital, Aurangabad. The informant suffered miscarriage.

3. Learned APP would submit that the offence is serious one. Therefore, the application be rejected.

4. It appears from the FIR that the applicant, his brother and their mother, beat up the informant and as a result thereof, the informant suffered miscarriage. The investigation of the crime is over. Charge-sheet is filed. The applicant is behind the bars since 22.06.2020. In this pandemic situation, there is no likelihood of trial being commenced in near future and taken to its logical conclusion. It is therefore, desirable to grant the applicant, bail. Hence, following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.I-01 of 2020, registered with Kranti Chowk Police Station, Aurangabad, for the offences punishable under Sections 307, 316, 498-A, 109, 201, 323, 506 read with 34 of the Indian Penal Code and Section 4 of Dowry Prohibition Act, on executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand Only) with surety in the like amount.

- (iii) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]

SMS