

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

CRIMINAL BAIL APPLICATION NO. 1432 OF 2019

Rajendra Dadaram Shinde

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Satyavrat Joshi a/w Mr. Nitesh Mohite, Advocate for the Applicant.

Mr. S. S. Pednekar, APP for the State-Respondent.

.....

CORAM : PRAKASH D. NAIK, J.

DATE : 27th January, 2020

PC :

1. This is an application for bail in connection with C.R. No. 1273 of 2017 registered with Hadapsar Police Station, Pune for offences punishable under Sections 302, 323, 504 of Indian Penal Code.

2. The FIR was lodged by the mother in law of the applicant on 30th December, 2017. It is alleged that the daughter of the complainant was married to the applicant 10 years ago. There were differences between the applicant and complainant's daughter. The complainant's daughter was residing with the complainant along with child since last one year. The applicant had visited the house of the complainant. He abused the husband of complainant. He chased the deceased with wooden log and assaulted him on his face by wooden

log. He also assaulted complainant by fist blows. The complainants husband was taken to hospital. He was admitted in the hospital. He died on 19th January, 2018. The applicant was arrested on 9th April, 2018. On completing investigation, charge-sheet is filed.

3. Learned advocate for the applicant submitted that taking the prosecution case as it is the offence under Section 302 of IPC will not be made out. The applicant is in custody for a period about 1 year 9 month. There were domestic quarrels between the applicant and his wife. She was staying separately. The victim suffered one grievous injury. The injuries reflected in the post mortem report suggests that there was no intention to commit murder. The deceased had died after 20 days from incident. The statement under Section 164 of Cr.P.C. is improvised by the complainant. The source of the wooden log is not clear.

4. Learned APP submitted that the applicant is not assaulted his father-in-law but and complainant. The father-in-law is a senior citizen. The applicant used to trouble his wife and in laws. There are previous complaints which were treated as N.C. complaints. The deceased was continuously undergoing treatment and subsequently succumbed to the injuries.

5. I have perused the FIR and the other documents which forms

part of the charge-sheet. On going through statements, it can be seen that on account of matrimonial differences wife of the applicant was residing with deceased and the complainant. There were frequent quarrels between the applicant complainant and his wife. The complaint indicates that one blow was given on the head of the victim by wooden log. Quarrel was going on between both sides, at that time the applicant has brought the wooden log and assaulted the deceased. Prima facie it does not appears that there was any intention to commit murder. This is not the stage to give definite opinion in that regard. However, considering the factual aspects of this case and also considering the fact that the applicant is in custody from 9th April, 2018, bail can be granted to the applicant on certain terms and conditions.

6. Hence, I pass the following order :

ORDER

- i) Bail Application No. 1432 of 2019 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 1273 of 2017 registered with Hadapsar Police Station, Pune on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;

- iii) The applicant shall report concerned police station once in a month on every first Saturday between 10.00 am. to 12.00 noon till further order.
- iv) The applicant shall stay out of jurisdiction of Hadpsar Police Station, Pune.
- v) The applicant shall furnish the details of his residence after he is released on bail to the Investigating Officer.
- vi) The applicant shall attend Trial Court regularly on the date of hearing of the case unless exempted by the Court.
- vii) The applicant shall not approach the witnesses and shall not try to tamper with the evidence.
- viii) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)