

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) 95 OF 2020

(Santosh Dinkar Kale..vs.. State, thr PSO, Telhara, Dist. Akola)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. V.B. Bhise, counsel for applicant.
Mr. S.M. Ghodeswar, Addl.P.P. for non-applicant.

CORAM: ROHIT B. DEO, J.
DATE:20.02.2020.

The applicant is in custody since 8.1.2019.

2. The applicant is charge-sheeted for offence punishable under sections 323, 324, 504, 506 and 436 of the Indian Penal Code.

3. The applicant is the husband of Smt. Deepali, who is the daughter of the informant.

4. The incident occurred on 7.1.2019. It appears from the charge sheet that the applicant and Smt. Deepali are estranged. In any event, Deepali is residing with her father at Telhara since two years prior to the incident. The backdrop of the incident, is the visit of the applicant to the house of the informant under the influence of liquor. The prosecution case is that applicant insisted that Deepali accompany him to the matrimonial home, Smt. Deepali refused and an enraged applicant assaulted Deepali and her

father – the informant with iron rod. The next averment is that the applicant went inside the house of the informant and set afire the kitchen by pouring kerosene and igniting the same.

5. Several submissions are canvased by the learned counsel Shri V.B. Bhise *inter alia* the submission that the kerosene can which is referred to in the First Information Report and the statement is not seized. The submissions are strongly refuted by the learned Addl. P.P. Shri S.M. Ghodeswar, who would contend that no case for grant of bail is made out. Prima facie, the action of setting afire the kitchen, even accepting the prosecution version at face value, does not appear to have been actuated by intention to cause casualty. The act, more probable than not, was that of an alcoholic who wanted to prove a point to the neighbours who had gathered in view of the physical altercation. This aspect, and considering the inter se relationship and the possibility that a continued incarceration in custody would rule out the possibility of reform and transformation and improvement in the matrimonial relations, I am impelled to grant bail.

6. The applicant be released on bail subject to the following conditions:

(I) The applicant be released on bail on furnishing P.R. bond of Rs.15,000/- with one surety of the like amount to the satisfaction of the trial Court.

(ii) The applicant shall not enter the territorial limits of Telhara for any reason whatsoever.

(iii) If the applicant enters the territorial limits of Telhara, without permission of the trial Court, that ipso facto shall be a ground for cancellation of bail.

Judge

Belkhede RS