

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

LD-VC-CRIMINAL APPLICATION (BA) NO. 262 OF 2020

Vishal s/o Wasudeo Chavan.

..VS..

State of Maharashtra through its Police Station Officer, Barshitakli Police Station, Tq.
Barshitakli, 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. S. G. Joshi, counsel for the applicant.
Mr. N. R. Rode, APP for the non-applicant-State.

CORAM : AVINASH G. GHAROTE, J.

DATED : 25th JUNE, 2020

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

Heard learned counsel for the applicant. There is no dispute about the relationship of husband and wife between the applicant and the prosecutrix and the fact that they are residing separately. The charge-sheet has also been filed which indicates that the investigation has been completed. The allegation is that the applicant in a fit of anger had been to the house where his wife was residing and tried to administer insecticide 'Endrin' to her stating that he will also consume the same, which however spilled on to her person, due to which the wife was required to be hospitalized for a day. It is contended that there was no intention to cause harm to the wife. It is further submitted that in case bail is granted, the applicant will not visit the place of residence of his wife, which is stated to be approximately ten kilometers away from the residence of the applicant.

Mr. Rode, learned APP for the non-applicant - State opposes the same and submits, that there was intention as is contemplated by Section 307 of Indian Penal Code and therefore, the application be rejected.

He further invites my attention to Para 5 of the order passed by the lower Court dt. 01.06.2020, which considers the possibility that the applicant may use his liberty to influence and threaten the wife and other witnesses. He therefore, submits that this possibility cannot be ruled out.

It is apparent, that there is a marital discord between the applicant and his wife and it is because of this, the alleged incident is said to have taken place. The investigation is already completed. The charge-sheet has also been filed. The apprehension of tampering can be taken care of by putting the applicant to terms. In the circumstances, I consider this as an appropriate case to enlarge the applicant on bail on the following conditions:-

- 1- The applicant, having been arrested in Crime No. 19/2020 registered with non-applicant Police Station, Barshitakli, Tq. Barshitakli, Dist. Akola, for the offences punishable under Sections 328 and 307 of the Indian Penal Code, be released on bail on his furnishing PR bond in the sum of Rs.50,000/- with two solvent sureties in like amount.
- 2- The applicant shall not enter village Kanheri Sarap, Tahsil Barshitakali, Dist. Akola, where his wife is residing.
- 3- The applicant shall not tamper with the witnesses or threaten them in any manner what so ever.

Criminal application is allowed and disposed of accordingly.

This order be communicated to the counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE