

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

CRIMINAL APPLICATION (LDVC BA648.2020) (BA) NO.804 OF 2020)
(Santosh C. Ambhore .vs. State)

*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

Court's or Judge's Orders

CORAM : M.G.GIRATKAR, J.

DATE : 30.7.2020.

1. Heard Mr.K.H.Anandani, learned Counsel for the applicant and Mrs.S.S.Jachak, learned Additional Public Prosecutor for non-applicant/State. The hearing was conducted through Video Conferencing and the learned Counsel for the respective parties agreed that the audio and visual quality was proper.

2. Mr.Anandnani, learned Counsel for the applicant has pointed out order passed by this Court in Criminal Application (ABA) No.856 of 2019, dt.8.1.2020, wherein this Court has observed as under :

“From the reply filed on behalf of the prosecution, it is clear that in spite of no improvement in her health, Mayuri’s husband took discharge from Ozone Hospital on 23.11.2019 and she was taken to her matrimonial place. The reply further states that first informant Anil took his daughter from her

matrimonial house and admitted her in Nobel Hospital at Akola on 30.11.2019 and after discharge from the hospital, she was taken by Anil at his place.

During hearing, learned A.P.P. would submit that though Mayuri was discharged from Nobel Hospital on 30.11.2019, she was not able to give her statement. Therefore, investigating officer could not record her statement. According to his submission, when she was fit to give her statement, her statement was recorded on 07.01.2020 at Nobel Hospital, Akola. The said is placed before me by the learned A.P.P. for my perusal. The statement of Mayuri dated 07.01.2020, would reveal that on 05.11.2019, husband, parents in law and sisters in law picked up quarrel with her. According to her statement, role attributed to the present applicants is that they pulled her hair and she was slapped by them. A specific overt act is attributed to father in law that he assaulted by means of an iron blowpipe on her temporal region due to which she fell unconscious.”

3. The applicant is husband of Complainant. As per case of prosecution, the father-in-law of Complainant assaulted her by means of iron blowpipe on her temporal region, due to which she fell unconscious. The applicant has not played active role in causing injury to the Complainant. Looking to the order passed by this Court in

Criminal Application (ABA) No.856 of 2019, the application is allowed.

The applicant be released on bail on execution of P.R. Bond of **Rs.25,000/-** with one solvent surety in the like amount.

He shall not tamper with the evidence of prosecution witnesses.

He shall attend the trial Court on each and every date.

The application is disposed of.

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

**ssaiswal*