

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

CRIMINAL APPLICATION (BA) NO.944 OF 2021

(Sunil s/o Keshav Raut Vs. State of Maharashtra thr. PSO PS Korchi, Tah. Korchi,
Dist. Gadchiroli)

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

Court's or Judge's orders.

Mr. Amol G. Hunge, Advocate h/f Mr. O. K. Masurke, Advocate for Applicant.
Mr. N. S. Rao, APP for Non-Applciant/State.

CORAM: ROHIT B. DEO, J.

DATE: 4th OCTOBER, 2021.

The applicant is arraigned as the sole accused in Crime 9/2021 registered under sections 307, 380, 498-A, 201 and 354-A of the Indian Penal Code with Police Station Korchi, registered on the basis of report lodged by his wife Mrs. 'V'.

2. The prosecution case is that the marital relationship between Mrs. 'V' and her husband, is strained. The wife left her matrimonial home and started residing with her father at village Sohale. The applicant, in course of time, also started residing at the said village. Mrs. 'V' alleges that on 13.03.2021 when she was washing clothes near the bore-well the applicant picked up an altercation, pressed her neck, she became unconscious, thinking that she was dead the applicant fled, but not before removing her *mangalsutra*. The other allegation is that Rs.82,700/- (Rupees Eighty-Two Thousand and Seven Hundred only)

kept in an *almirah* at the house of the father-in-law went missing and the family suspected that it is the applicant who committed the theft.

3. The investigation is complete and the charge-sheet is filed. I have perused the medical report which is quite blurred. The abrasions on the neck may not necessarily be consistent with an attempt to strangle to death. This is a *prima facie* observation and it would be the trial Court which would take the final call, on the basis of the evidence on record.

4. I do not see any propriety in continuing the incarceration, particularly since the applicant has no antecedents and is not a flight risk. However, considering the strained relationship, the apprehension of the prosecution that the applicant may pressurize the witnesses etc. it would be appropriate to direct the applicant not to enter the territorial limits of village Sohale where the complainant and her family is residing.

5. The application is allowed.

6. The applicant be released from custody subject to the following conditions:

- (i) The applicant shall execute the personal bond of Rs.16,000/- (Rupees Sixteen Thousand only) with one solvent surety of the like amount.

- (ii) The applicant shall not enter the territorial limits of village Sohale till the conclusion of the trial, save and except to attend Court hearing or if otherwise permitted by the jurisdictional Court for just reasons. The applicant is cautioned that even a single breach of this condition shall entitle the prosecution or any interested person to seek cancellation of bail.
- (iii) The applicant shall not make any attempt to influence the witnesses, directly or indirectly.
- (iv) The applicant shall not leave the country without the permission of the trial Court.

JUDGE