

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

Criminal Application (BA) No. 1158 of 2021

(Sheshrao S/o Mahadeo Vaidya ..vs.. State of Maharashtra through P.S.O. Hinganghat, Dist. Wardha)

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

Court's or Judge's orders

Mr. M. V. Rai, Advocate for the applicant
Mr. N. R. Rode, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.
DATED : 23-11-2021

Heard.

2. The applicant is seeking bail in connection with Crime 458/2021 registered with Police Station, Hinganghat, District Wardha for offences punishable under Sections 436, 427, 504 and 506 of the Indian Penal Code.

3. The crime is registered on the basis of report dated 21-5-2021 lodged by the wife of the applicant. The gist of the report is that the applicant used to harass the informant since he was addicted to liquor. On 21-5-2021, the applicant set afire the bedroom of the dwelling house in which the applicant was residing with the informant and the children. The applicant himself

declared that he had done so and fortunately, the fire did not cause any injury to any person.

4. Bail is rejected by the learned Sessions Judge on the premise that offence punishable under Section 436 is serious. The learned Judge is right on principle. However, I am inclined to grant bail considering that the applicant has no criminal antecedent, that there appears to be a marital discord and the applicant has assured that he would not enter Hinganghat till the conclusion of the trial and that further incarceration may tantamount to pre-trial punishment. I note that it is not even the case of the prosecution that the applicant shall be in a position to influence the witnesses. Most important witness is the wife and she is not with good terms with the applicant.

5. The application is allowed subject to the following conditions.

(i) The applicant be released on bail on executing PR bond of Rs. 16,000/- (Rupees Sixteen Thousand) with solvent surety of the like amount.

(ii) The applicant shall not, directly or indirectly, make any attempt to influence the witnesses or otherwise tamper with the evidence.

(iii) The applicant shall not enter the territorial limits of Hinganghat, District Wardha unless specifically permitted to do so by the jurisdictional Court, except to attend the Court hearings.

(iv) The applicant shall not leave the country without the permission of the jurisdictional Court.

JUDGE

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