

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 189 OF 2022

Dattatraya Krushna Barde

..Applicant

V/s.

The State of Maharashtra

..Respondent

Ms. Keral N. Mehta a/w. Mr. Vishal Waghela, for the Applicant.

Mr. R. M. Pethe, APP for the Respondent/State.

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CORAM : C.V. BHADANG, J.

DATE : 28 MARCH 2022

P.C.

. By this Application, the Applicant is seeking release on bail in Crime No.371/2021 of Police Station Pandarpur City, District Solapur, under Section 376, 376(2)(f), 377, 498-A, 312, 323, 344, 504 and 506 of IPC.

2. The aforesaid crime is registered on the basis of the complaint dated 1 June 2021 lodged by wife of the Applicant. The investigation in this case is complete and the chargesheet is filed. The Applicant was arrested on 2 June 2021 and is in custody since then.

3. Heard the learned counsel for the parties. Perused record.

4. The perusal of the FIR shows that there are wide spread allegations made against the Applicant of sexual, physical and mental abuse.

5. The learned counsel for the Applicant has pointed out that twice the informant was called for recording the statement under Section 164 of Cr.P.C. However, the informant has not given her statement under Section 164 of Cr.P.C. before the learned Magistrate. The learned counsel has pointed out a affidavit dated 25 June 2021 filed by the informant before the learned Sessions Judge showing no objection for release of the Applicant on bail.

6. Normally, the Court would be slow in taking cognizance or acting on any such affidavit, as in a given case, it may even amount to influencing the prosecution witnesses. However, in my considered view, the question would depend on the facts and circumstances of the each case. Here, the Applicant is the husband of the informant. Both of them are blessed with the three daughters. The Applicant alongwith the informant and their three daughters is staying alongwith his mother. The learned counsel for the Applicant has also pointed out that there are no matrimonial proceedings pending between the parties and except this complaint, there are no other proceedings. The informant claims to have filed the complaint out of misconception. The investigation is complete and the chargesheet

is filed. The informant has stated that the family members are dependent on the Applicant for their livelihood.

7. The learned APP has submitted that the Applicant may misuse the liberty by indulging into similar acts, if released on bail.

8. In my considered view, the apprehension expressed on behalf of the prosecution, can be taken care of by imposing appropriate conditions.

9. Hence, the following order.

ORDER

- (i) The Criminal Bail Application is allowed.
- (ii) The Applicant Dattatraya Krushna Barde be released on bail in Crime No.371/2021 of Police Station Pandarpur City, District Solapur, on executing a P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties, in the like amount.
- (iii) The Applicant shall report to the concerned Police Station once in a month i.e. on first Monday of the month between 11.00 a.m. to 1.00 p.m.

- (iv) The Applicant shall undertake to remain present before the learned Sessions Judge during the course of trial, unless exempted.
- (v) The Applicant shall not indulge into any similar acts of ill-treating the wife / informant.
- (vi) In the event of breach of any of the condition, the bail is liable to be cancelled.
- (vii) The Bail Bonds to be furnished before the learned Sessions Judge.

(C.V. BHADANG, J.)