

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

CRIMINAL APPLICATION (BA) NO.291 OF 2022

Sachin s/o Purushottam Shinde

Vs.

State of Maharashtra, Through P.S.O. Shegao City, District Buldhana

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

Court's or Judge's orders

Mr. D. S. Patil, Advocate for applicant.

Mr. I. J. Damle, APP for non-applicant/State.

CORAM : AVINASH G. GHAROTE, J.

DATE : 29/04/2022

Heard Mr. Patil, learned counsel for the
applicant and Mr. Damle, learned APP for non-applicant/
State.

2. The order dated 28.04.2022 reads as under:

"1. Heard Shri Patil, learned Counsel for the applicant and Shri Damle, learned Additional Public Prosecutor for the non-applicant/State. The incident is dated 27/02/2022. The applicant has been arrested on the same day. The charge-sheet has been filed on 26/04/2022.

2. Shri Patil, learned Counsel for the applicant submits that there has been a settlement between the parties since the complainant is the wife of the applicant, from whom the complainant has a son, aged 10 years and daughter, aged 6 years. A settlement signed by the complainant and the brother of the applicant, since the applicant is in jail, has been placed on record, along with Criminal Application (APL) No.582/2022 filed for quashing of the proceedings under Section 482 of

Cr. P.C. It is, therefore, submitted that since the incident arises out of a matrimonial issue, which has already been resolved between the complainant and the applicant and for the betterment and further of the children the applicant be enlarged on bail.

3. Shri Damle, learned Additional Public Prosecutor for the non-applicant/State opposes the application and submits that the nature of the injury is grievous and any settlement between the complainant and the applicant, cannot take away the criminality of the matter and prays that the application is liable to be rejected.

4. It is not in dispute that the relationship between the complainant and the applicant is that of husband and wife, from which wedlock, there are two children, a son Aditya, aged 10 years and daughter Swara, aged 6 years. Though the assault is grievous, as is indicated from the FIR, which states, that the applicant had assaulted the complainant by an iron (press), which has resulted in felling her twelve teeth, six from the upper jaw and six from the lower and also a bleeding injury, however, considering the relationship between the parties and the consent of the complainant, regarding the settlement with the applicant, the application will have to be considered appropriately, however, before that, the factum of settlement needs to be verified, considering which, list the matter tomorrow i.e. 29/04/2022.

5. The learned Counsel for the applicant undertakes to keep the complainant present in the Court.”

3. Today, Mr. Damle, learned APP for non-applicant/State, has verified the position from the complainant, who is present in the Court and states, that

he is satisfied regarding the settlement between the husband and wife i.e. applicant and complainant, considering which, I do not see any reason to continue the further incarceration of the applicant. Hence, the following order.

ORDER

(i) The application is allowed.

(ii) The applicant be released on bail in Crime No.90 of 2022 for offences punishable under Sections 326, 324, 504 and 506 of the Indian Penal Code, on his executing P.R. bond in the sum of Rs.50,000/- (Rupees Fifty thousand) with two solvent sureties of the like amount.

JUDGE

Sarkate