

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

Anticipatory Bail Application No. 878 of 2021

Shankar Dhanraj Jadhav

Versus

State of Maharashtra, through Police Station Officer, Pusad (Rural),
Tah. Pusad, Dist. Yavatmal.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.A.Zade, Advocate h/f Shri V.N. Patre, Advocate
for the applicant.

Shri S.D.Sirpurkar, APP for the non-applicant.

**CORAM : ANIL S. KILOR, J.
DATED : 7th MARCH, 2022.**

On a complaint made by the wife against the husband alleging that the applicant and the complainant are not on good terms. It is alleged that on 14th October, 2021 the applicant requested the complainant to cohabit with him again and believing the applicant, the complainant agreed to go back with the applicant alongwith children together. While going in the car and when the applicant was driving the car the applicant asked the son to check if there is puncture in the tyre and when he alighted, the applicant put car

in motion and suddenly jumped from the running car on the slope. Fortunately, the car touched a tree and did not slide further below, but the complainant received injuries on her forehead. Thereafter, the applicant fled away from the spot presuming that daughter and wife would die and accordingly, the offence was registered as Crime No. 494 of 2021 dated 16th October, 2021 for the offence punishable under Section 307, 279, 337 of Indian Penal Code.

2. Shri Zade, learned counsel for the applicant submits that the dispute arose out of matrimonial discord and now the matter has been settled and proceeding under Section 482 of the Code of Criminal Procedure has been filed for quashment of the First Information Report, he therefore prays for confirmation of ad-interim bail granted to the applicant vide order dated 21st December, 2021.

3. On the other hand, Shri Sirpurkar, learned Additional Public Prosecutor strongly opposed and submits that the offence is serious and therefore even if there is settlement it has no relevance for grant of bail.

4. On perusal of the case diary and looking to the injury certificate, *prima facie* I have a doubt whether Section 307 of Indian Penal code will apply in this case

or not. Moreover, as it is informed that the matter is settled between the parties and the settlement deed is filed on record, I am of the opinion that interim protection vide order dated 21st December, 2021 needs to be confirmed.

5. Accordingly, the application is allowed.

6. Order dated 21st December, 2021 is confirmed with modification that the applicant shall attend concern police station as and when his presence is required.

[ANIL S. KILOR, J.]

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