

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.763 OF 2023

VITTHAL PANDURANG JADHAV
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. S. R. Wakale
APP for Respondent : Mr. P. N. Kutti

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CORAM : R.M. JOSHI, J

DATE : MAY 12, 2023
(VACATION COURT)

PER COURT :

1. This application is filed for Regular Bail in connection with C.R. No. 261/2023 registered with Sangamner City Police Station for the offences punishable under Section 307, 323, 504 read with Section 34 of the Indian Penal Code.

2. According to the informant, who is an advocate, on 04th April, 2023 at about 10.30 am while she was at home she had asked her mother-in-law to advise her son with regard to his illicit relations. Thereafter husband came home and started abusing informant. It is further alleged that her husband and father-in-law (Applicant) started assault on her. She alleged that her husband by pressing her neck has tried

to kill her. On the basis of these allegations, offence came to be registered. All three accused were arrested. Co-accused i.e., mother-in-law of informant is already enlarged on bail, whereas the application for bail of the present Applicant was rejected.

3. Perusal of the First Information Report indicates that the allegations of pressing of neck is against the husband and not against the present Applicant. Police papers show that bruises were caused to the informant on her face and neck. In such circumstances, it would be difficult to attract the offence punishable under Section 307 IPC against present Applicant.

4. Though, charge-sheet has not been filed but the police papers indicates that practically entire investigation is over. In such circumstances, there is no reason to deny bail to the Applicant who is aged about 66 years with no criminal antecedents. It is informed to this Court by the Counsel for the Applicant that informant no more resides in her matrimonial home & she resides at her parental home. In such circumstances, Applicant need not be directed to stay

away from his home.

5. In view of the above, application stands allowed as under:

(i) Applicant be released on bail in connection with C.R. No. 261/2023 registered with Sangamner City Police Station for the offences punishable under Section 307, 323, 504 read with Section 34 of the IPC on furnishing P.R. Bond of Rs. 15,000/- with one surety in the like amount.

(ii) The Applicant is directed not to contact the informant in any manner.

(iii) The Applicants shall not tamper with the prosecution evidence.

(R.M. JOSHI, J.)

Malani