

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.2083 OF 2022

**BALASAHEB DATTATRAY DAREKAR
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Salunke Mayur Vasant
APP for Respondent/State : Mr. K.S. Patil
...

CORAM : S.G. MEHARE, J.

DATED : JANUARY 04, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The husband is behind the bar on the complaint of the wife. Both have lodged report against each other.
3. Learned counsel for the applicant would submit that the injured has been discharged from the hospital. It was a quarrel in the fit of anger. The investigation has been completed. Nothing is to be recovered from the applicant. There are no antecedents to the discredit of the applicant.
4. Learned APP has expressed an apprehension that the applicant and the injured were residing under one roof, so there may be danger to the life of the wife and children, who have been assaulted. He also expressed an apprehension that the applicant runs

a ration shop, so he has to stay in the village itself. He also expressed an apprehension that in view of the quarrel, the complainant and her children may not have income source. The family relations may not be healthy.

5. In reply, learned counsel for the applicant would submit that apart from the ration shop, the applicant has agricultural field, so the applicant would not disturb the cultivation of the field if cultivated by the victim and her children. He is ready to reside separately in the same village and willing to pay Rs.10,000/- per month towards the livelihood of his wife and children.

6. The proposal placed before this Court by the learned counsel for the applicant appears just and in the interest of the family. The investigation as discussed above has been completed. The applicant is languished in jail since 13.11.2022. There is no danger to the life of the injured. There appears a serious dispute between the husband and wife that resulted in assaulting each other. If the applicant would be allowed to languish in jail for more period, the condition of the complainant and her children may be miserable for want of any income. Considering these aspects and the offer placed by the learned counsel for the applicant, it would be in the interest of all to release the applicant on bail. Hence, the following order :

ORDER

(i) Bail Application is allowed.

(3)

(ii) The applicant, Balasaheb Dattatray Darekar, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with Crime No.374 of 2022, registered at Naldurg Police Station, District Osmanabad for the offence punishable under Sections 307, 323, 324, 504, 506 of the Indian Penal Code, on accepting his proposal not to disturb the cultivation and possession of the agricultural land if cultivated by the victim and her children themselves or through anybody else and would deposit Rs.10,000/- per month in the bank account of his wife till conclusion of the trial.

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

(S.G. MEHARE, J.)