

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

CRIMINAL APPLICATION (BA) NO.639 OF 2023

Vikas s/o Walmik Ingle

Vs.

State of Maharashtra, through its Police Station Officer, Police Station, Civil Lines,
District Akola

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

Court's or Judge's orders

Mr. S. R. Kadam, Advocate for applicant.

Mr. S. M. Ghodeswar, APP for respondent / State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 08/08/2023

1. The present application is for grant of bail under Section 439 of the Code of Criminal Procedure in connection with Crime No.52/2023 for the offence punishable under Section 307 of the Indian Penal Code. The applicant is arrested on 23.02.2023.

2. The accusation against the present applicant is on the basis of report lodged by Sadashiv Mahadev Bhalerao who is the father-in-law of the present applicant. As per the allegation in the FIR, the marriage of the daughter of the informant was performed with the present applicant. There was matrimonial dispute between them. On 22.02.2023, at about 4.30 p.m. the present applicant along with the injured and their son came at the house of the informant. There was dispute

between the applicant and his wife who is injured as the applicant has purchased the plot in the name of his mother. Thereafter, they left the house of the informant at about 5.30 p.m. After some time, at about 7.45 p.m. the present applicant made a phone call to the informant and informed that while pulling the chain which was on the person of the injured somebody has gave a blow on the neck of the injured and she sustained grievous injury. On the basis of this information, the informant and his wife went in the hospital to meet his daughter and his daughter disclosed that the present applicant has stopped his vehicle at some isolated place. He left the vehicle on the pretext that he has to answer the nature's call and came from the backside and gave a blow on her neck. Due to which, she has sustained the injuries. On the basis of the said report, police have registered the crime against the present applicant.

3. After registration of the crime, injured was referred to the hospital she was examined and admitted in the hospital. It reveals that injured has sustained the grievous injuries in the alleged incident. The injury was in the nature of cut throat laceration 10 X 3 X 4 cm., anterior aspect of neck. She has also sustained the injury CLW 10 X 1 X 1 cm., right side of face and the accused was arrested.

4. As per the contention of the present applicant that due to the matrimonial dispute, he is implicated in the alleged offence. In fact, the injured has sustained the injuries as somebody has caused the said injury while pulling the chain which she was wearing in her neck. Now, the investigation is completed, chargesheet is filed and further custody of the applicant is not required. In view of that, he be released on bail.

5. The said application is strongly opposed by the State on the ground that the present applicant has taken the victim along with him on false pretext, he stopped the vehicle, came from the backside and gave blow on a vital part. Fortunately, the injured survived from the said injury. The injury sustained by the injured is life threatening injury. If the applicant is released on bail, he will tamper the prosecution evidence and prays for rejection of the application.

6. Heard learned Counsel for the applicant and learned APP for the State. Perused the investigation papers, it reveals that the crime is registered as injured herself has disclosed about the said incident to her father. The statement of the victim is also recorded during investigation. She also narrated that the present applicant has stopped the vehicle at isolated place and on the pretext of attending the nature's call, he left the place and thereafter, came from backside and gave a blow on

her neck. The injury suddenly came is on record, which shows that the injury in the nature of life threatening injury. The medical opinion given by the Medical Officer shows that there are repercussion of the said injuries. Medical Officer has intimated the relatives of the victim that due to the said injuries, there is apprehension of the death. He further informed the relatives of the victim that due to the said injuries, there may be change in the voice quality of the injured. Thus, the medical report is sufficiently shows that injured has sustained the life threatening injuries. The injured is the wife of the present applicant. The apprehension raised by the learned APP that if the applicant/accused is released on bail, he may tamper the prosecution evidence cannot be ruled out. Considering the *prima facie* material against the present applicant and the injury sustained by the injured which is life threatening. The application deserves to be rejected. Accordingly, I proceed to pass following order.

7. The application is rejected.

(URMILA JOSHI-PHALKE, J.)

Sarkate