



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD.

**911 BAIL APPLICATION NO. 2248 OF 2023**

BALAJI S/O SHIVAJI JADHAV  
VERSUS  
THE STATE OF MAHARASHTRA

...  
Advocate for Applicant : Mr. Dhananjay M. Shinde.  
APP for Respondent/State : Mrs. Pratibha J. Bharad.  
...

CORAM : **SANJAY A. DESHMUKH, J.**  
DATE : 17<sup>th</sup> January, 2024.

**P.C.:**

1            Heard.

2            This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.84 of 2023, registered with Vimantal Police Station, District Nanded, for the offences punishable under Sections 364, 365, 386, 392, 354-A, 354-D, 323, 324 and 506 of the Indian Penal Code.

3            It is averred in the report that the informant was harassed by the applicant by assaulting her by knife, belt and eggs on her head. He also outraged her modesty, stolen golden jewellery and threatened to kidnap her and demanded Rs.3,00,000/-.

4           The learned counsel for applicant submitted that there was love affair between the applicant and informant. Thereafter, they performed marriage and they cohabited for considerable period. The informant left her earlier husband and thereafter, she married with the applicant. The learned counsel for applicant further pointed out that the injury sustained to the informant are simple in nature. There is no material against the applicant to *prima-facie* establish ingredients of the alleged sections. The applicant has roots in the society. He will not flee away from trial. He lastly prayed to allow the application.

5           The learned APP for the State strongly opposed the application and pointed out the report, in which there are specific allegations of assault made by the applicant. The knife is recovered from the room where the applicant and informant resided. The statements of neighboring witnesses also corroborate the case of the informant that they heard some noises. The learned APP further pointed out that there are criminal antecedents and some earlier incidents about which FIRs were registered against the applicant and others. It is lastly prayed to reject the application.

6           Perused the charge-sheet. No doubt, there are serious allegations against the applicant, however, injuries sustained to the informant are simple in nature. The applicant has roots in the society.

He will not flee away from trial. The trial will take long period. Considering all these aspects, without entering into merits of the case, it would be proper to release the applicant on bail on some stringent conditions. Hence, the following order:-

### **ORDER**

- I. The application is allowed.
- II. The applicant in connection with Crime No.84 of 2023, registered with Vimantal Police Station, District Nanded, for the offences punishable under Sections 364, 365, 386, 392, 354-A, 354-D, 323, 324 and 506 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.1,00,000/- with surety of the like amount on following conditions:-
  - a) The applicant shall not pressurize the witnesses.
  - b) The applicant shall not tamper with the prosecution evidence, in any manner.
  - c) The applicant shall not indulge in similar activities again.
  - d) The applicant shall not enter into Municipal limits of Nanded city, except hearing dates of Court.
  - e) The applicant shall not contact the informant or any other witnesses and pressurize them, in any manner.
  - f) If any such incident is noted, the said fact be brought to the notice of the Trial Court, upon which the Trial Court

shall proceed against the applicant for cancellation of bail without further directions from this Court, in accordance with law.

[ SANJAY A. DESHMUKH, J. ]

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