

Sayali Upasani

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1105 OF 2024

Vijay Ganesh Avsare

...Applicant

Vs.

The State of Maharashtra

...Respondent

**SAYALI
DEEPAK
UPASANI**

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by SAYALI
DEEPAK
UPASANI
Date: 2024.04.16
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Mr. Aniket Gupta, for Applicant.

Mr. Tanveer Khan, APP for State/Respondent.

CORAM:- N. J. JAMADAR, J.

DATED:- 8th APRIL, 2024

PC:-

- 1) Heard the learned Counsel for the parties.
- 2) This application is preferred for bail in CR No. 186 of 2021, registered with Dharavi Police Station, for the offences punishable under Sections 307, 324, 323, 354, 504, 506, 498A of Indian Penal Code, 1860 and Section 135 read with Section 37 (1) (A) of the Maharashtra Police Act, 1951.
- 3) The first informant is the wife of the applicant. Their marital life was afflicted with discord. On 26th March, 2021, the applicant allegedly raked up a quarrel with the first informant suspecting her fidelity. The applicant allegedly assaulted the first informant by means of a water motor which had an iron body.

The applicant allegedly also outraged the modesty of the first informant in the presence of her children.

4) The learned Counsel for the applicant submitted that the injury certificate does not support the prosecution version. The injury certificate indicates that all the injuries were simple and sustained prior to 76 hours of the examination. The applicant has been in custody since 27th March, 2021 and the charge has not been framed.

5) Evidently, the genesis of the offences seems to be in the marital discord between the parties. Prima facie, it appears that the first informant had sustained simple injuries. The applicant has been in custody for more than three years. It is unlikely that the trial can be concluded within a reasonable period.

6) Hence, the following order.

: O R D E R :

(i) The application stands allowed.

(ii) The applicant be released on bail in CR No. 186 of 2021, registered with Dharavi Police Station, for the offences punishable under Sections 307, 324, 323, 354, 504, 506, 498A of Indian Penal Code, 1860 and Section 135 read with Section 37 (1) (A) of the Maharashtra Police

Act, 1951, on furnishing a P.R. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount, to the satisfaction of the trial Court.

(iii) The applicant shall mark his presence at Dharavi Police Station on the first Monday of every alternate month between 10.00 am to 12.00 noon for a period of two years or till conclusion of trial, whichever is earlier.

(iv) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case.

(v) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial court shall not be influenced by any of the observations made hereinabove.

[N. J. JAMADAR, J.]