

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2305 OF 2023

Nandu Sahebrao Ahire

.Applicant

Versus

The State of Maharashtra

.Respondent

Ms. Saima Ansari i/b. Mr. J. D. Khairnar, Advocate for Applicant.
Mrs. M. R. Tidke, APP, for the Respondent – State
Mr. P. P. Bargal, P.C.-B.No. 3024, Jaikheda Police Station, Nashik
(Rural), present.

CORAM: MADHAV J. JAMDAR, J.

DATE: 25.01.2024

P. C.

1. Heard Ms. Ansari, learned Counsel appearing for the Applicant and Mrs. Tidke, learned APP appearing for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C. R. No.	154 of 2023
2.	Date of Registration of F.I.R.	13.04.2023
3.	Name of Police Station	Jaikheda, Taluka Baglan District - Nashik
4.	Sections invoked	307, 326, 324, 323, 504 & 506 of the Indian Penal Code, 1860

5.	Date of Incident	12.04.2023
6.	Date of Arrest	13.04.2023
7.	Date of filing Charge-sheet	10.07.2023

3. As per the prosecution case, there is a matrimonial dispute between the Applicant and his wife – Sulochana. In view of that, for the last three years, Sulochana was residing at her parent's house. On 12.04.2023 at about 06.30 p.m., the Applicant went to the house of the informant – Murlidhar Ganpat Bhamre i.e. father of said Sulochana. The Applicant threatened the informant that if he did not send Sulochana to her matrimonial house for co-habitation, then the Applicant would kill the informant. At that time, Yashwant - brother of Sulochana, intervened in the said altercation. The Applicant, using a knife, stabbed and grievously injured Yashwant.

4. It is the contention of learned Counsel appearing for the Applicant that a scuffle occurred between the Applicant and family members of his wife – Sulochana. In fact, the Applicant has also sustained injuries in the said scuffle. She pointed out that the injuries are on the back, legs, hands, abdomen, chest, and on the face of the Applicant. She

submitted that although the injuries are simple in nature, they are caused on the vital parts of the body. She submitted that as the Applicant's wife – Sulochana was not cohabiting with the Applicant, the incident in question has occurred. It is the contention of learned Counsel appearing for the Applicant that a knife has been produced by the Complainant and there is no recovery of the knife at the instance of the Applicant. She further pointed out the observations made in the Order dated 25.07.2023 passed by the learned Additional Sessions Judge, Malegaon rejecting the Bail Application of the Applicant, wherein it is specifically mentioned that the weapon was produced by the Complainant.

5. Mrs. Tidke, learned APP appearing for the Respondent – State vehemently opposes the Bail Application on the ground that although the reason for the incident in question is non-cohabitation of the wife with the Applicant, a knife is used in the said crime. Therefore, the Applicant may not be enlarged on bail.

6. The position on record shows that the date of incident

is 12.04.2023. The Applicant has been apprehended on 13.04.2023. Investigation is complete and Charge-sheet is filed on 10.07.2023. As per the Charge-sheet, there are about 14 witnesses to be examined by the prosecution. The trial has not yet commenced. Even the charge is also not framed yet.

7. Although it is true that the Applicant has been apprehended immediately after the assault and the weapon used in this crime was a knife, however, the motive behind the crime in question, even as per the prosecution case, is that as the Applicant's wife was not cohabiting with him, he went to the residence of his father-in-law and threatened him that his daughter should return to her marital home and cohabit with the Applicant, or else he would assault him. Thereafter, the incident has occurred and even the Applicant has also sustained some injuries.

8. There is one antecedent against him i. e. a case filed under Section 498-A of the *Indian Penal Code, 1860* by the wife of the Applicant.

9. It is an admitted position that the investigation has been completed and that the Charge-sheet has been filed on 10.07.2023. There are about 14 witnesses as per the Charge-sheet. The trial is likely to take a considerably long time.

10. Ms. Ansari, learned Counsel appearing for the Applicant states that as several witnesses are residing in Taluka - Satana, District - Nashik, the Applicant will therefore not reside within Taluka - Satana, Nashik District and that the Applicant will reside at House No.399, Rashtriya Oil Mill, Camp, Malegaon, District - Nashik.

11. The Applicant does not appear to be at risk of flight.

12. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

(a) The Applicant - Nandu Sahebrao Ahire be released on bail in connection with C. R. No.154 of 2023 registered with the Jaikheda Police Station, Taluka - Baglan, District - Nashik on his furnishing P. R. Bond of Rs.25,000/- with one or two sureties in the like

amount.

- (b) The Applicant shall not enter Taluka - Satana, District - Nashik after being released on bail, except for reporting to the Investigating Officer, if called and for attending the trial.
- (c) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d) The Applicant shall report to the Camp Police Station, Malegaon, District - Nashik once every month, on every first Sunday between 11.00 a.m. and 1.00 p.m. till the conclusion of the trial. The Police Inspector of Camp Police Station, Malegaon, District - Nashik to communicate details thereof to the Investigating Officer.
- (e) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (f) The Applicant shall not tamper with the evidence and

shall not contact or influence the Complainant or any witnesses in any manner.

- (g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (h) The Applicant shall surrender his passport, if any, to the Investigating Officer.

13. The Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]