



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

CRIMINAL APPLICATION (BA) NO. 829/2023

Sheshrao Satwaji Newarkar V/s State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Corrected as per Court's order dt.20.03.2024 Mr. J.S.Chilotra, Counsel (appointed) for the applicant.
Mr. A.R.Chutke, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 14/02/2024.

1. The present application is filed by the applicant for grant of regular bail, in connection with Crime No. 298/2022 registered with Police Station Khandala, Tq. Pusad, District Yavatmal, for the offence punishable under Sections 307, 504, 506 of the Indian Penal Code, 1860. The applicant came to be arrested on 23/10/2022.

2. The accusation against the present applicant is on the basis of report lodged by neighbour Shankar Narayan Jatale, who alleged that the present applicant is his neighbor residing along with his wife. On 22.10.2022 at about 11.00 p.m. when he came home and knew that the present applicant had assaulted his wife-Vandana by means of Axe, and she was in an injured condition in his house. Immediately he went to the house of the present applicant and tried to rescue the injured. The present applicant has also abused him and attempted to assault him. Therefore, he shouted and the other persons gathered there. He removed

the injured in the hospital. On the basis of said report, the police have registered the crime against the present applicant. During the investigation, the investigating officer collected the medical certificate it shows that the injured has sustained in all five injures which are grievous in nature.

3. Learned counsel for the applicant submitted that there is a matrimonial dispute between the husband and wife, and out of that, the incident of assault has taken place. As far as further incarceration is concerned, which is not required as the investigation is completed, the injured is already discharged from the hospital and there is no apprehension of death, though she sustained the grievous injuries. He further submitted that the applicant will abide by all the conditions imposed by this Court.

4. Learned APP strongly opposed the application on the ground that the injured has sustained the grievous injuries. If the applicant is released on bail, he will tamper with the prosecution evidence and there is every apprehension of a similar type of assault on the injured who is wife. The offence is of a serious nature and prays for the rejection of the application.

5. Having heard learned counsel for the applicant and learned APP for the State, perused the investigation papers. There is no dispute as to the fact that the injured has sustained the grievous injuries and she was admitted in the hospital on 24/10/2022 and discharged from the hospital on 05/11/2022. The applicant is behind bar since the date of his

arrest from 23/10/2022. Now, the investigation is already completed and charge-sheet is filed. As far as the apprehension of death is concerned, is not there, as the injured has already been discharged from the hospital. The injured is also not residing along with the present applicant, she is residing at her father's house. As far as the contention of the learned APP is concerned, regarding tampering of the witnesses, some conditions can be imposed.

6. Considering the fact that, now the investigation is completed and charge-sheet is already filed, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order:

- a) The criminal application is **allowed**.
- b) The applicant – **Sheshrao Satwaji Newarkar**, is released on bail, in connection with Crime No. 298/2022 registered with Police Station Khandala, Tq. Pusad, District Yavatmal, for the offence punishable under Sections 307, 504, 506 of the Indian Penal Code, 1860, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c) The applicant shall not enter into the vicinity of Shembalpimpri, Tq. Pusad, Dist. Yavatmal, wherein the witness are residing, till the culmination of the trial.

- d) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- e) The fees of the appointed counsel be quantified as per the Rules.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]