



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

CRIMINAL APPLICATION BA NO. 813 OF 2024

LAKHAN S/O BANSI RATHOD

VERSUS

**THE STATE OF MAHARASHTRA THROUGH PSO PS OFFICER BITARGAON
TQ UMARKHED DIST YAVATMAL**

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

Court's or Judge's orders.

Shri ,V.R. Thote, Advocate for applicant
Shri Sagar Ashirgade, Addl.PP for the non-applicant

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27.09.2024

1. The applicant came to be arrested on 05.01.2024 in connection with crime No.2/2024 registered under Section 307 of the IPC with Police Station, Bitergaon, District Yavatmal.
2. The crime is registered on the basis of the report lodged by the father-in-law of the present applicant, namely Shankar Baban Chauhan, alleging that the marriage of his daughter was performed with the present applicant in the year 2015 and they are having two children from the said wedlock. After the marriage, the present applicant was suspecting the character of his daughter and in the month of November-2023 also he has assaulted his daughter and thereafter, daughter came to reside along with him. Subsequently on the request of the present applicant, she was again resumed cohabitation at her matrimonial house.

3. On 05.01.2023 at about 1.30 a.m. he received a call from one Shyam Rama Jadhav who informed that his daughter is assaulted by the present applicant and the present applicant admitted her in the hospital. He immediately rushed to the hospital and found that his daughter has sustained grievous injuries. On the basis of the said report, the police have registered the crime against the present applicant.

4. During investigation, the investigating Officer has collected medical certificate which shows that the injured has sustained linear mildly displaced fractures involving the walls of maxillary antrum, Bony orbital walls, Nasal Bones etc. The injuries sustained by the injured are grievous one. After completion of the investigation, the charge-sheet is filed.

5. Heard the learned counsel for the applicant, who invited my attention towards the statement of the injured under Section 164 of the CrPC, wherein she has alleged that her father-in-law has assaulted her by means of stick. He submitted that her father-in-law is already released on bail. The fracture injury is attributed through the father-in-law. As far as the present applicant is concerned, only general allegation is made against him that he has assaulted her. Now the investigation is completed and the charge-sheet is filed, further incarceration of the applicant is not required. In view of that, he be released on bail.

6. The learned Addl.PP strongly opposes the application and submitted that the statement recorded under Section 164 of the CrPC, specifically says that she was assaulted by her husband and therefore, she has sustained fracture injuries. He submitted that initially also she was assaulted by the present applicant. Though it is a matrimonial dispute, out of which she was assaulted but there is an apprehension of death at the hands of the present applicant and therefore, the application deserves to be rejected.

7. After hearing the learned counsel for the applicant and the learned APP for the State, I have perused the investigation papers from which it reveals that admittedly the injured has sustained grievous injuries due to the assault at the hands of the present applicant and the other co-accused. She has sustained fracture injuries. The involvement of the present applicant reveals from the investigation papers. However, now the investigation is completed and the charge-sheet is filed and the injured is also not residing with the present applicant, but she is residing at her parents house. Considering the same, the present application deserves to be allowed by imposing certain conditions. According, I proceed to pass following order:

- (i) The application is allowed.
- (ii) The applicant-Lakhan Bansi Rathod shall be released on bail in connection with Crime No.2/2024, registered under Section 307 of the IPC with Police Station,

Bitergaon, District Yavatmal, on executing PR Bond of Rs.25,000/- with one solvent surety of like amount.

- (iii) The applicant shall not enter into the vicinity of village Waltur, Taluka Umerkhed, District Yavatmal, till culmination of the trial.
- (iv) The applicant shall not in any manner communicate with the injured or any prosecution witnesses and shall not induce, threat or promise to any witnesses, who are acquaintance with the facts of the case.
- (v) The applicant shall attend the proceedings before the Sessions Court, without seeking any exception, unless there are exceptional circumstances.

The present application is **disposed of**.

JUDGE