



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2352 OF 2024

Nandkishor Raghunath Chaudhari,
Age 47 years, Occupation Labour,
R/o. Kostiwada, Mahatma Fule Chauk,
Raver, Taluka Raver,
District Jalgaon.

... Applicant

Versus

The State of Maharashtra,
Through Investigation Officer,
Raver Police Station,
Taluka Raver, District Jalgaon.

... Respondent

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Ms. Rani K. Agrawal , Advocate for the Applicant.
Mr. P. K. Lakhotiya, APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 27.03.2025

Pronounced on : 01.04.2025

ORDER :

1. Instant application is for grant of regular bail in consequence of arrest of the applicant in crime no. 29 of 2024 registered at Raver Police Station, District Jalgaon for offences punishable under Sections 307, 323, 504 of IPC.

2. Learned counsel pointed out that applicant is arrested in above crime on 07.02.2024. He is behind bars since more than a year. That,

there are allegations that he assaulted his wife by means of iron rod due to some domestic quarrel. Report is lodged by son of applicant. Now investigation is over and charge sheet is also filed in April 2024 itself. Nothing further is to be recovered or discovered at the instance of applicant. That, injured wife was discharged from hospital. She pointed out that in similar case with similar allegations, this Court had granted bail. According to her, since filing of charge sheet, even as on today, charge is not framed and therefore, it is her submission that uncertainty prevails over the process of trial. Consequently, she urges for bail on any conditions deemed fit by this Court.

3. Learned APP opposed on the ground that there are multiple blows by iron rod on petty count on the vital part like head. Informant-son himself is eye witness. There is statement of injured also. Learned APP pointed to the injury certificate and submitted that it is a clear offence of attempt to murder. He also expresses possibility of misuse of liberty, more particularly in view of relations amongst informant, injured and applicant.

4. Heard. Perused the papers. FIR dated 07.02.2024 is at the instance of Gaurav Chaudhari and he reported that 20 years back, there was matrimonial discord between his parents and his mother

took him to her parents' place and they were staying there. Subsequently, at the instance of present applicant and relatives, discord was mediated and he and his mother had come back to cohabit with applicant since 01.12.2023. According to him, on 07.02.2024 around 9.30 a.m., applicant father abused mother of informant for not preparing meals. Then, around 9.45 a.m., he claims that he heard shouts and went inside the house and saw his father was armed with iron rod and he hit it on the head of informant's mother, as a result of which she collapsed. He claims that applicant father gave two three more blows and further uttered that, it having become routine matter, he would finish it off finally. By indulgence of neighbours and others, his mother was taken to hospital and report was lodged, resulting in arrest of applicant.

5. Thus, in the present case, informant is son, who is eye witness to the alleged assault by father on his mother by means of iron rod. Applicant is arrested on the same day of FIR. Now, more than one year is lapsed since his arrest. Submissions made by learned counsel that there is no committal yet and charge is not framed, have not been countered by learned APP, meaning thereby that since one year applicant is behind bars and in spite of charge sheet being filed in April 2024 itself, charge is not framed. Taking the nature of

accusations into consideration, the apprehension of misuse of liberty can be taken care of by imposing strict conditions. Hence, I proceed to pass the following order:

ORDER

- I. The application is allowed.
- II. Applicant be released on bail in connection with Crime No. 29 of 2024 registered at Raver Police Station, District Jalgaon, on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions:
 - [a] The applicant shall not tamper prosecution evidence.
 - [b] The applicant shall not enter the vicinity where informant, injured and their near and dear ones reside, till conclusion of trial.
 - [c] The applicant shall attend the concerned police station twice in every week i.e. on every Monday and Thursday between 11.00 a.m. to 02.00 p.m. till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

[ABHAY S. WAGHWASE, J.]

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