



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

CRIMINAL APPLICATION (BA) NO. 750 OF 2025

(Mukesh s/o Raibhan Shende
Vs.
State of Maharashtra, Thr. PSO Gondia)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. A.A. Pande, Advocate (Appointed) for the Applicant.
Mr. V.A. Thakare, APP for the Non-applicant/State.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 29th JULY, 2025

1. The Applicant came to be arrested on 11.08.2024, in connection with Crime No. 506/2024 registered with Police Station Gondia City, District Gondia for the offence punishable under Section 109 of the Bhartiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of the report lodged by the wife of the present Applicant who alleged that the present Applicant who is her husband has left her company and went to Raipur and suddenly on 10.07.2024 he came and joined her company and thereafter he started abusing her and harassing her and also demanding money and was insisting her to transfer the home in his name. As she refused the same, on 07.08.2024 when she was sleeping, the present Applicant strangulated her neck, due to which she sustained injuries. On the basis of the said report Police have

registered the crime against the present Applicant.

3. Heard learned Counsel for the Applicant who submitted that due to matrimonial dispute between the husband and wife this FIR came to be lodged. Now investigation is already completed and charge-sheet is already filed, further incarceration of the present Applicant is not required. In view of that, the present Applicant be released on bail.

4. Learned APP, strongly opposed the said application on the ground that initially the present Applicant was not residing alongwith the Informant and recently he came to reside with her, started abusing and demanding money from her and as the demand was refused he has strangulated neck, as the daughter of the Informant came near to her, and therefore, she was saved. If he is released on bail there is apprehension of similar type of incident, and therefore, the Application deserves to be rejected. He also invited my attention towards the medical certificate and diagram which is drawn by the Medical Officer regarding the injuries on the neck are concerned. He also invited my attention towards the statement of the daughter of the Informant and submitted that *prima facie* case is made out against the present Applicant. In view of that, the Application deserves to be rejected.

5. On hearing both the sides and on perusal of the investigation papers it reveals that the Applicant and the Informant are the husband and wife. Recently the present

Applicant came and joined her company and there was some dispute between them on account of the amount. Allegedly the present Applicant demanded the amount of Rs. 5 Lakhs from her for starting the hotel, on account of which there was quarrel between them and during that quarrel the present Applicant has allegedly strangulated the neck of the Informant. The medical certificate supports and substantiated the said contention. As far as the role of the present Applicant is concerned, it reveals from the statement of the daughter of the Informant also, but considering now the investigation is completed and charge-sheet is filed, the Applicant cannot be kept behind bars by way of punishment, but considering the circumstances in which the alleged incident has taken place some conditions required to be imposed upon him. Accordingly, I proceed to pass the following order.

ORDER

- i. The Application is **allowed**.
- ii. The Applicant – Mukesh s/o Raibhan Shende in connection with Crime No.506/2024 registered with Police Station Gondia City, District Gondia for the offence punishable under Section 109 of the Bhartiya Nyaya Sanhita, 2023, be released on bail, on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

- iii. The Applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media. A single attempt of the present Applicant to approach either to the Informant or her daughter would lead to the cancellation of bail.
 - iv. The Applicant shall not enter into the vicinity of Gondia except attending the proceeding before the Additional Sessions Judge, Gondia.
 - v. The Applicant shall attend the proceedings before the Trial Court without seeking any exemption unless there are exceptional circumstances.
 - vi. Fees of the Appointed Counsel for the Applicant be quantified as per rules.
6. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)