

Sujata W/O. Kuldip Jadhav vs The State Of Maharashtra on 1 February, 2019

Author: V. K. Jadhav

Bench: V. K. Jadhav

911-ABA-76-2019.odt

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 ANTICIPATORY BAIL APPLICATION NO.76 OF 2019

SUJATA W/O. KULDIP JADHAV
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mrs. Varsha Ghanekar h/f Mr.
Ghanekar Nilesh S.

APP for Respondent/State: Mr. V.M. Kagne

...

CORAM : V. K. JADHAV, J.
DATED : 1st FEBRUARY, 2019

PER COURT:-

1. The applicant is seeking pre-arrest bail in connection with Crime No.412 of 2018 registered with Satara Police Station, District Aurangabad for the offences punishable under Sections 324, 327, 323, 504 and Section 506 of IPC. Her application with similar prayer bearing Bail Petition No.1773 of 2018 came to be rejected by the Additional Sessions Judge, Aurangabad by order dated 03.11.2018.
2. The learned counsel for the applicant submits that the informant is the husband of the applicant and their

matrimonial relations came to be strained for the reasons

that she become unable to conceive the child. The applicant/wife has already initiated the proceedings under

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the Protection of Women from Domestic Violence Act, 2005.

The informant/husband is harassing the applicant/wife on the count that she does not conceive the child. Learned counsel submits that the allegations are false and complaint came to be filed to counter the other proceedings initiated by the applicant/wife. In the given set of allegations, custodial interrogation of the applicant is not required. She may not be released on anticipatory bail.

3. The learned APP has strongly resisted the application on the ground that the informant has sustained near about three injuries and the present applicant has assaulted the informant and caused the injury with the help of knife. She has also pressed the neck of the informant. She may not be released on anticipatory bail.

4. On careful perusal of the investigation papers, particularly the injury certificate, it appears that the informant has not sustained any injury on neck. Though it has been alleged in the complaint, the injury on the index finger of his left hand has been caused by sharp weapon, the injury on the part is caused by hard and blunt object.

The relations between applicant and informant are strained
to the considerable extent. In view of th same, the

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exaggerated allegations and possibility of false implication

cannot be ruled out. Thus, I am inclined to grant
anticipatory bail to the applicant. Hence, I proceed to pass
the following order:

ORDER

I. The application is hereby allowed.

II. In the event of arrest of the applicant - SUJATA W/O. KULDIP JADHAV, in connection with Crime No.412 of 2018 registered with Satara Police Station, District Aurangabad for the offences punishable under Sections 324, 327, 323, 504 and Section 506 of IPC, she be released on bail on her furnishing P.B. of Rs.5000/- (Rupees Five Thousand Only) with one surety of the like amount on the following conditions;

(a) The applicant shall not tamper with the prosecution evidence in any manner.

(b) The applicant shall attend the concerned Police Station as and when required by the Investigating Officer for carrying out the further investigation into the crime, if any.

III. The application is accordingly disposed of.

(V. K. JADHAV, J.) Sam..