

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1142 OF 2015

Pandurang Khandu Mote & Ors. **APPLICANTS**

V E R S U S

The State of Maharashtra & Anr. **RESPONDENTS**

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Mr.A.R.Syed h/f Mr. S.P.Brahme,
Advocate for Applicants.

Mrs. V.A.Shinde, A.P.P. for R- 1 State.

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CORAM : V.M.DESHPANDE, J.

DATE : 18th MARCH, 2015

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PER COURT :

1. Heard Mr.A.R.Syed h/f Mr. S.P.Brahme, the learned Counsel for the applicants and Mrs. V.A.Shinde, the learned A.P.P. for respondent No. 1 – State.

2. The first informant filed proceedings u/s 156 (3) of the Code of Criminal Procedure before the Judicial Magistrate First Class, Dondaicha on 26/06/2014 in respect of the alleged incident on 28/05/2014 that the present

applicants who are his father-in-law and brother-in-law, have tried to administer some poisonous substance forcibly. Though the incident is dated 28/05/2014, there is nothing on record to show that on the said date or immediately the first informant reported the matter to police station Dondaicha. Further, the learned A.P.P. has made available the entire record including the application filed by the first informant before the learned Magistrate. The assertion made in the said application clearly shows the presence of some independent witnesses at the time of incident. If really the incident had occurred on the said date, the matter ought to have been reported by any of such independent witness.

3. Further, it is to be noted that there is long standing matrimonial dispute between the first informant and his wife, who is daughter of applicant No. 1 and sister of applicant Nos. 2 and 3.

4. Hence, I pass the following order :

- (i) Criminal Application No. 1142 of 2015 is hereby allowed.
- (ii) In the event of their arrest, in connection with Crime No. 81/2014 for the offences u/s 307, 452, 323, 504, 506 read with 34 of the Indian Penal Code registered with police station Dondaicha, applicant Nos. 1 to 3 shall be released on anticipatory bail on they executing P.R. Bond of Rs. 5,000/- [Rupees Five Thousand]

with one solvent surety in the like amount by each of them.

- (iii) Criminal Application No. 1142 of 2015 is disposed of.

[V.M.DESHPANDE, J.]