

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

CRIMINAL APPLICATION NO. 1681 OF 2015

Vithal s/o Surja Rathod & Ors. **APPLICANTS**

V E R S U S

The State of Maharashtra **RESPONDENT**

.....
Mr. M.V.Salunke, Advocate for Applicants.

Mr. A.S.Shinde, A.P.P. for Respondent - State.

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CORAM : V.M.DESHPANDE, J.

DATE : 15th APRIL, 2015

PER COURT :

1. At the out set, learned counsel for the applicants wish to withdraw the application for anticipatory bail on behalf of applicant No. 2 Shankar s/o Deva Jadhav. Permission granted.

2. The present Criminal Application filed on behalf of applicant No. 2 Shankar s/o Deva Jadhav is dismissed as withdrawn.

3. Heard Mr. M.V.Salunke, learned counsel for Applicants and Mr. A.S.Shinde, learned A.P.P. for Respondent - State.

4. F.I.R. is dated 07/03/2015 in respect of occurrence dated 27/02/2015. From the F.I.R., *prima facie*, it appears that there are two incidents. In so far as first incident is concerned, allegation is that applicant No. 1 has given stick blow, whereas second incident has occurred after 15 – 20 minutes and for that first informant has stated that applicant No. 3 Mandabai held his hands and thereafter her husband Shankar administered poison to him.

5. Thus, it is clear that in so far as applicant No. 1 is concerned, there are no allegations against him in respect of administration of poison. Learned A.P.P. has fairly stated that though the allegations are made against applicant No. 1, there are no injuries that can be attributed to him. In that view of the matter, applicant No. 1 Vithal s/o Surja Rathod is entitled for anticipatory bail, since his custodial presence is not required.

6. In so far as applicant No. 3 Mandabai w/o Shankar Jadhav is concerned, though there are allegations in F.I.R. that she has held hands of the first informant, one thing is clear that there are no allegations against her that she administered poison to the first informant. Further, looking to her age, she being lady and nature of allegations made against her in the F.I.R., this Court is of the view that her custodial presence is not required.

7. Hence, I pass the following order :

(i) Present Criminal application is partly allowed.

(ii) Present Criminal Application filed on behalf of applicant No. 2 Shankar s/o Deva Jadhav is dismissed as withdrawn.

(iii) In the event of arrest in connection with Crime No. 39/2015 for the offences punishable u/s 307,143,147,148,504,506 of the Indian Penal Code registered with police station Ambad, Dist. Jalna, applicant No. 1 Vithal s/o Surja Rathod and applicant No. 3 Mandabai w/o Shankar Jadhav 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.

(iv) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]