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

CRIMINAL APPLICATION NO.5510 OF 2015

Vithalprasad s/o Ram Ramrao
Giri & anr.

..APPLICANTS

VERSUS

The State of Maharashtra

..RESPONDENT

Mr A.R. Devakate, Advocate for applicants;
Mr S.N. Morampalle, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 29th October, 2015

ORAL ORDER :

By this application under section 439 of the Code of Criminal Procedure, the applicants seek their release on bail, in connection with C.R. No.255 of 2015, registered with police station, Gangakhed, Taluka Gangakhed, Dist. Parbhani, for offences punishable under sections 307, 498-A read with sec. 34 of the Indian Penal Code.

2. Applicant no.1 is the husband of complainant Lochana, whereas applicant no.2 is wife of brother of applicant no.1. It is alleged by the complainant in the first information report, that the applicant no.2 held her neck and applicant no.1 forcefully administered her poison, at the Bus stand.

3. The applicants were arrested on 22nd September, 2015.

4. While trying to make out a case for grant of bail, learned Counsel appearing on behalf of the applicants, would urge that on perusal of the first information report, the story narrated therein appears to be completely

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improbable. According to him, the applicants are falsely implicated in the crime in question. He would further urge that since nothing is to be recovered from the applicants, their further detention will hardly be of any assistance to the prosecution.

5. Learned Addl. Public Prosecutor, while opposing the application, would urge that there is sufficient evidence available on record against the applicants and the same depicts their *prima facie* involvement in the crime in question. Thus, he prayed to reject the application.

6. Having considered rival submissions and having perused the investigation papers, it is noticed that the complainant Lochana has not suffered any external or surface injury. Thus, it is hard to believe that there was forceful administration of poison to Lochana by the applicants at a public place. Apart therefrom, there appears to be prior disputes between the applicants herein and the members of the family of the complainant.

7. In view of above, in my opinion, it will be appropriate to enlarge the applicants on bail. I, therefore, pass following order :-

The applicants be released on bail, in connection with C.R. No.255 of 2015, registered with police station, Gangakhed, Taluka Gangakhed, Dist. Parbhani, for offences punishable under sections 307, 498-A read with sec. 34 of the Indian Penal Code, on each of them furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj