

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 566 of 2015

Ganesh Sadashiv Dhindale & Ors.	... Applicants
Vs.	
The State of Maharashtra & Anr.	... Respondents

Mr. Dayanand C. Awari, Advocate for the applicants.
Ms. Veera Shinde, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **28th April, 2015**

P.C.:

This Application is moved for pre-arrest bail under section 438 of Cr. P.C. The applicants/accused are facing prosecution for the offences punishable under sections 302, 323, 307, 328, 504, 506 r/w. 34 of the Indian Penal Code. One Reshma Shivaji Gorhe gave information to the police, pursuant to which an offence was registered at C.R. No. 11 of 2015 with Velhe Police Station, Pune.

2. It is the case of the prosecution that the applicant no. 1 is the brother of wife of the deceased Ankush Gorhe. The applicant/accused alongwith his two associates arrived at the house of deceased at 2 p.m. on 26th March, 2015. The complainant is a niece of deceased Ankush Gorhe. The complainant along with deceased, her mother and aunt was sitting outside the house. The applicant told Ankush that he would not leave him and would kill him. He kicked Ankush on his face and the

applicants/accused started kicking and hitting him with fist blows. They took him inside the house and administered poison in his mouth and further they assaulted him with fist and kick blows. Ankush became unconscious. At that time, the complainant resisted all of them and requested them not to assault Ankush. One of the applicant/accused tried to throttle her and threatened her that she should not interfere in the matter. Thereafter, Ankush was taken to the hospital by the applicants/accused and other persons in a jeep. However, Ankush succumbed to poisoning and he died in the hospital. It is the case of the prosecution that the applicant/accused, who was the brother of wife of deceased was angry with the deceased, as the deceased used to harass his wife.

3. The learned counsel for the applicants/accused has submitted that the applicants/accused are innocent. Applicant no. 1 is the brother of wife of the deceased, so it was highly improbable that he would administer poison to his own brother-in-law. It is further contended that deceased was drunken and he himself consumed poison. The applicants/accused are innocent and they are falsely implicated in the case.

4. Learned APP opposed the anticipatory bail application.

5. Perused the FIR and the order passed by the learned Additional Sessions Judge, Pune rejecting the anticipatory bail. Considering the allegations the applicants/accused are facing, it is not a case to grant pre-arrest bail. Hence, the Application for Anticipatory Bail is rejected.

(MRS.MRIDULA BHATKAR, J.)