

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6159 OF 2016

- 1] Ramchandra S/o Nivrutti Biradar
Age – 42 years, Occu.- Agril.,
R/o – Belsakarga, Tq. Udgir,
Dist. Latur
- 2] Namdeo S/o Maroti Biradar
Age – 29 years, Occu – Education,
R/o – Belsakarga, Tq. Udgir,
Dist. Latur
- .. Applicants

Vs.

- 1] The State of Maharashtra
Through the Superintendent of Police,
Latur, Dist. Latur
- 2] Investigating Officer,
Deoni City Police Station,
Tq. Deoni, Dist: Latur
- .. Respondents

AND

CRIMINAL APPLICATION NO. 5824 OF 2016

- Sow. Kavita W/o Ramchandra Biradar
Age – 35 years, Occu – Household,
R/o – Belsakarga, Tq. Udgir,
Dist. Latur
- .. Applicant

Vs.

- 1] The State of Maharashtra
Through the Superintendent of Police,
Latur, Dist. Latur
- 2] Investigating Officer,
Deoni City Police Station,
Tq. Deoni, Dist. : Latur
- .. Respondents

Mr. Paresh B. Patil, Advocate h/f Mr. Mukund D. Gitte,
Advocate for the applicants in both Applications
Mr. C.V. Dharurkar, APP for the respondent/State

CORAM : A.S. CHANDURKAR, J.

DATE : 21/11/2016

ORAL ORDER :

Heard.

2. The applicants in both the Criminal Applications apprehend their arrest in connection with crime no.181 of 2016 registered at Deoni Police Station, Tq. Deoni, Dist. Latur for the offences punishable under Section 307 r/w. 34 of the Indian Penal Code.

3. According to the informant - Datta Biradar, he had some altercation with applicant no.2 in Criminal Application No.6159 of 2016 on 6/9/2016, when he was undertaking some agricultural operations. Thereafter, on 7/9/2016, while the informant was watering his field, he has stated that the applicant no.1 - Ramchandra sought to administer some poison by putting a white cloth on his nose and face. Applicant no.2 - Namdeo assaulted him. At that point of time, applicant in

Criminal Application No.5824 of 2016 was standing there. Report in question was lodged on 21/9/2016.

4. It is submitted on behalf of the applicants, by their learned counsel, that present is the case of false implication. The treatment administered to the informant indicates that he was suffering from viral meningitis as per the certificate dated 4/10/2016 issued by the concerned Hospital. The same also indicates that the informant gained consciousness on 12/9/2016 but the report was lodged on 21/9/2016. It is further submitted that there is previous enmity between the parties and same is the cause of false involvement.

5. Applications are opposed by learned Additional Public Prosecutor by relying upon the police papers. It is submitted that the certificate dated 4/10/2016 has also been collected during investigation. It is further pointed out that there are other disputes between the parties and cases are registered against each of them.

6. Perused the case papers. This Court, while granting ad-interim relief on 11/11/2016, has taken note of the relevant facts including the fact that the medical report indicates the ailment of the informant as viral meningitis.

7. Prima facie, considering the aforesaid medical certificate dated 4/10/2016, which clearly states that no instance of poisoning was noticed coupled with the fact that the report has been lodged after almost 14 days, I am inclined to confirm the ad-interim order granted earlier.

8. In view of aforesaid, the following order:-

I) Both Criminal Applications are allowed.

II) In the event of arrest of the applicants in crime no. 181 of 2016 registered at Deoni Police Station, Tq. Deoni, Dist. Latur for the offences punishable under Section 307 r/w. 34 of the Indian Penal Code, they be released on bail on executing P.R. bond of Rs.15,000/- (Rs. Fifteen Thousand) and furnishing one surety in the like amount, by each of them.

III) As a condition of this order, the applicants shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the Police or to the Court.

IV) Applicants shall not tamper with evidence of prosecution.

V) The applicants shall attend the concerned Police Station on 30/11/2016 and, thereafter, as per the directions of the Investigating Officer.

9. By clarifying that the observations made in this order are only for the purposes of deciding the prayer under Section 438 of the Code, the Criminal Applications stand disposed of accordingly.

[A.S. CHANDURKAR]
JUDGE

arp/