

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

CRIMINAL APPLICATION NO.6983 OF 2015

1. Laxman s/o Balaji Surnar,
Age 25 years, Occu. Service
R/o At present Sailu,
Taluka Sailu, Dist. Parbhani
 2. Sandip s/o Balaji Surnar,
Age 23 years, Occu. Student,
R/o At Present Hingoli,
Taluka and Dist. Hingoli
- ..Applicants

Versus

1. The State of Maharashtra,
through the Superintendent of
Police, Parbhani, Dist. Parbhani
 2. The Police Inspector,
Police Station, Palam,
Taluka Palam, Dist. Parbhani
- ..Respondents

Mr A.R. Rathod, Advocate for applicants
Mr S.Y. Mahajan, A.P.P. for respondents

CORAM : N.W. SAMBRE, J.

DATE : 11th January 2016

PER COURT

Heard.

2. The applicants are seeking pre-arrest bail in Crime No.132 of 2015, registered at Palam Police Station, District Parbhani, for the offences punishable under Sections 307, 498-A, 323, 504, 506 read with sec.34 of Indian Penal Code, for an incident dated 25th September 2015, for which complaint came to be lodged on 28th November 2015.
3. Apart from the delay of three days in lodging the F.I.R., learned Counsel for the applicants would urge that the complainant has

narrated an improbable story and has named all the family members of the applicants in the F.I.R. According to him, perusal of the F.I.R. depicts that physical force was applied to the complainant for administering the poison by the applicants.

4. According to learned Counsel for the applicants, the applicants are entitled for pre-arrest bail, as they are falsely implicated in the commission of crime in question.

5. Learned A.P.P. would urge that the incident has occurred within a period of six months from the marriage. He would then urge that the despatch card speaks of traces of poison and as such, there is prima facie case against the applicants.

6. According to him, the application is liable to be rejected.

7. Having perused the contents of the F.I.R. and the investigation papers, it could be easily inferred that the complainant has not suffered any bodily injury, particularly in the background of narration in the F.I.R.

8. Apart from above, the story narrated in the F.I.R. prima facie appears to be improbable, particularly when it is claimed by the complainant that the physical force was applied by the applicants for administering the poison.

9. In the above referred background, it will be appropriate in my opinion to release the applicants on bail. Hence, I proceed to pass the following order.

(I) In the event of their arrest in Crime No.132 of 2015, registered at Palam Police Station, District Parbhani, for the offences punishable under Sections 307, 498-A, 323, 504, 506 read with sec.34 of Indian Penal Code, the applicants be released on bail, upon furnishing P.R. Bond of Rs.15,000/- (Rs. Fifteen thousand) with one surety in the like amount by each of them.

(II) The applicants shall attend the concerned Police Station from 18th January 2016 to 20th January 2016 between 10.00 a.m. and 12.00 noon and thereafter as and when called by the Investigating Officer.

10. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

vvr