

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.574 OF 2017

(Rameshwar S/o Narayan Gajbhar..vs.. State of Maharashtra, through PSO.PS.Ansing,Tq.and District-Washim)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Abhishek Shukla, Advocate for applicant.
Shri J.Y.Ghurde, A.P.P. for State-non-applicant.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 18, 2017

Heard learned advocate Shri Abhishek Shukla for applicant and Shri J.Y.Ghurde learned A.P.P. for the State-non-applicant.

This is an application under Section 438 of the Code of Criminal Procedure. The applicant is apprehending his arrest in connection with Crime No.129/2017, registered with P.S.Ansing,Tq.and District-Washim, for the offence punishable under Section 307 r/w Section 34 of the Indian Penal Code.

The date of the incident is dated 29/6/2017. On the very same day, injured Atmaram alias Baban Dattarao Wani was admitted in Deole Hospital at Washim. However, for the reasons best known for the prosecution the report was lodged on 4/7/2017.

From the F.I.R. it is clear that the present applicant is close relative of injured being his brother in law. From the F.I.T. it is itself clear that the applicant resides with his family in the neighbourhood of the complainant. There is old dispute

that is pending in between these two families on account of agricultural field.

As per the F.I.R. on 29/6/2017, the present applicant gave a call to the first informant for a tea. Though tea was denied by the first informant, the wife of the applicant Gangubai who is also sister of the first informant offered him a glass of milk. After getting one or two sips of the said milk according to F.I.R. he smelled some obnoxious smell therefore remaining milk was thrown away . According to F.I.R. thereafter first informant started omitting therefore Arjun Nagre and Vitthal Kalapad came there and took him in autorickshaw and admitted in hospital.

In the present case, even according to the prosecution the stomach wash of Atmaram was not taken by the hospital authority. Further, the history which is noted down by the hospital made available to this Court in the case papers does not show that there was any administration of poisonous substance to the first informant.

Presently, there is no material against the present applicant as it can be seen from the police papers. In that view of the matter, I see no reason not to grant relief of pre-arrest bail in favour of the applicant.

This Court on 9/8/2017 granted interim bail in favour of the present applicant with a direction that he shall attend police station on 12/8/2017 and 14/8/2017. According to learned A.P.P. the present applicant has observed the said condition and attended the police station. In view of the aforesaid , the interim order granted by this Court on 09/08/2017 stands confirmed. Hence, order.

ORDER

- I) The application is allowed.
- II) The interim order granted by this Court on 09/08/2017 stands confirmed.
- III) The applicant shall not try to pressurise the prosecution witnesses.
- IV) With this the application is disposed of.

JUDGE

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