

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1021 OF 2018

Dagubai Tarachand Ahire & Ors. Applicants

Vs.

The State of Maharashtra Respondent

Ms. Meghna A. Gowalani for the Applicants.

Ms. Veera Shinde APP for the State.

Mr. Rupchand Govind Pardhi, Police Naik, Vadner Khakurdi Police Station, Nashik present.

Coram : *Smt. Sadhana S. Jadhav, J.*

Date : *23rd July, 2018*

P.C.:

1 Heard the learned counsel for the applicants and the learned APP.

2 This is an application under Section 438 Code of Criminal Procedure. The applicants herein are apprehending their arrest in Crime No.34 of 2018, registered at Vadner Khakurdi Police Station, Nashik on 13th May, 2018, for the offences punishable under Sections 307, 452, 323, 504 and 506 read with 34 of Indian Penal Code.

3 It is the case of the prosecution that the report was lodged at the police station by Vandana Samadhan Ahire on 13th April 2018. According to her on 7th April 2018 at about 10.00 am., the applicant no.1, who happens to be mother-in-law and applicant no.2, who happens to be her brother-in-law and his wife had been to her house. They had attempted to administer poison to her. She was not feeling well and she was taken to the hospital by Jayashri. She was taken to Sunrise Hospital. The injury certificate reads as follows :

“alleged history of organo phosphorous poisoning. She was admitted in the hospital on 7th April 2018 to 15th April 2018. She had received treatment for same including stomach wash and she is discharged on 15th April 2018 with stable general condition”.

4 It appears from the papers of investigation that the stomach wash sample has not been preserved by the hospital and the sample bottle is discarded. It is, in these circumstances that the verification of the substance, which was allegedly administered cannot be ascertained.

5 Learned counsel for the applicant vehemently submits that at this stage, it would be very difficult to ascertain as to whether it was self consumption or whether the substance was administered. Hence, the applicants deserve interim relief. It is true that the complainant is a widow, who is residing at Pimpalgaon. It appears that the applicants were not residing with the complainant. Hence, the following order is passed :

ORDER

- i) The application is allowed.
- ii) In the event of arrest, the applicants be enlarged on bail on furnishing P.R. bonds in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.
- iii) The applicants shall report to the concerned police station as and when called by Police and co-operate the investigating agency.
- iv) The applicants shall not visit in Pimpalgaon, Taluka Malegaon, District Nashik. The applicants shall also not reside at Pimpalgaon till conclusion of the trial.

(*Smt. Sadhana S. Jadhav, J*)