

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

ANTICIPATORY BAIL APPLICATION NO. 751 OF 2019

Aarif Gulab Attar

....Applicant.

vs.

The State of Maharashtra

....Respondent.

Mr. Tripti R. Shetty for Applicant.

Mr. S.S. Kaushik, APP. for State.

CORAM : P.N. DESHMUKH, J.

DATE : 15th April, 2019

PC :

1. Learned counsel for applicant by taking this matter on board submitted that interim protection is in favour of applicant by order dated 27.3.2019 and is in force till today and prays for extension of the same.

2. Learned APP submits that this application can be decided on merits as Investigating Officer is present with the case diary. Perusal of interim order would reveal that accused involved in this crime

administered poisonous substance to the deceased in the night of 7.2.2019. As there was reference of preservation of viscera, Investigating Officer has today produced viscera report, according to which, deceased died of poisonous substance which is agricultural pesticide. This court while granting interim protection in favour of applicant had noted that at the time of incident applicant was present in his shop. Incident took place at the matrimonial home of deceased-wife. Learned APP. on instructions makes a statement that in fact the applicant was present in the shop at the material time is substantiated from the statement of witnesses who are working in the shop thereby establishing his presence in the shop. It is further pointed out that, even from CCTV footage of shop of which panchanama is drawn, presence of applicant is found in the shop at the material time. In that view of the matter, prima facie, it is found that though deceased was administered poisonous substance applicant is nowhere concerned with the said incident. In that view of the matter, interim order is liable to be confirmed. Hence, the following order.

ORDER

- a) Interim order dated 27.3.2019 stands confirmed on the same terms and conditions with further directions to applicant to attend the Investigating officer as and when called till filing of charge sheet.
- b) Application is disposed off as allowed.

(P.N.DESHMUKH, J.)