

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1301 OF 2019**

Vinod Sanjay Avaghade & Ors.

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. V. V. Purwant for the applicant.

Smt. J. S. Lohokare, APP for the State

Mr. Abhishek S. Salian for the Intervenor

Mr. N. A. Lakade, PSI Yewat Police Station.

CORAM : SARANG V. KOTWAL, J.

DATE : 3rd SEPTEMBER, 2019.

P.C. :

1. The applicants are seeking anticipatory bail in connection with Crime No. 283/2019 registered with Yewat Police Station, Baramati on 25.03.2019 for the offences punishable U/sec. 307, 323, 504 of the Indian Penal Code. The F.I.R. is lodged on the information given by Sneha Vinod Avaghade. She is wife of applicant No.1. Applicant No.2 is mother and applicant No.3 is brother of applicant No.1.

2. It is alleged in the F.I.R. that after the marriage between informant and applicant, she was residing with all the applicants at Kasurdi village. The applicant allegedly was having extra- marital affair with another lady, which gave rise to frequent quarrels between the couple. Because of this dispute the informant and applicant No.1 started residing separately at Thevur-Phata since four months prior to the incident. It is alleged that on 17.03.2019 at about 7.00 p.m. the applicant No.1 and the lady in question abused and assaulted the informant. Thereafter, on 18.03.2019 at 9.00 p.m. the applicant took her to Kasurdi village.

3. It is mentioned in the F.I.R. that at that time all the applicants and the concerned lady were present in the house. They started abusing the informant and assaulted her with kicks and fist blows. Then, applicant No.2 forcibly dragged her in the room of applicant No.3. Then all the applicants and that lady forcibly laid her down. At that time the applicant No.2 and 3 and the said lady caught hold of her. The applicant No.1 poured poisonous substance in her mouth. She was made to consume the same and

she became unconscious. Thereafter, she was taken to Vishwaraj Hospital for treatment by applicant No.1 and his father. After she regained consciousness this F.I.R. was lodged.

4. Heard, Mr. V. V. Purwant learned counsel for the applicant, as well as Smt. J. S. Lohokare, learned APP for the State, Mr. Abhishek S. Salian learned counsel for the Intervenor and Mr. N. A. Lakade, PSI Yewat Police Station.

5. Learned counsel for the applicant submitted that applicant Nos.2 & 3 were admittedly residing separately and they have no concern with the matrimonial dispute between couple i.e. the informant and applicant No.1. He further submits that the entire incident as mentioned in the F.I.R. is improbable. The fact that the applicant No.1 had admitted her to hospital falsifies the theory that applicant No.1 was intending to commit murder of his wife.

6. The counsel for intervenor as well as learned A.P.P. submitted that after regaining consciousness, she narrated her

story. At this stage, there is no reason to disbelieve her case. Therefore, custodial interrogation of the applicants is necessary.

7. I have considered these submissions. The F.I.R. shows that since 3 to 4 months the applicant Nos.2 & 3 were residing separately. Therefore, there is no question that the applicants were interfering in the life of the applicant No.1 and the first informant. Therefore, it appears improbable even at this stage that they helped the applicant No.1 in forcibly administering the poisonous substance. As far as applicant No.1 is concerned, even as per the F.I.R. he himself had removed the first informant to the Hospital to save her. This is completely against the case of the informant that applicant intended to commit her murder. He saved her by giving prompt treatment. Thus, at this stage, there are no reasons to believe that the applicants intended to commit the offence. On the other hand, there is a strong probability that the applicants are implicated in this offence falsely. Therefore, there is considerable force in the submission of learned counsel for the applicants that the first informant herself had tried to commit

suicide by consuming poison. All these aspects will be decided during the trial. At this stage, taking into consideration over all view of the matter, custodial interrogation of the applicants is not justifiable. Hence, the following order -

ORDER

- 1) In the event of their arrest in connection with Crime No.283/2019 registered with Yewat Police Station, Baramati, the applicant Nos. 1 to 3 are directed to be released on bail on their furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties each in the like amount.
- 2) All the applicants shall attend the concerned police station from 16.09.2019 to 19.09.2019 from 1.00 p.m. to 4.00 p.m. and shall co-operate with the investigation.

(SARANG V. KOTWAL, J.)