

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

ANTICIPATORY BAIL APPLICATION NO.1308 OF 2019

Ranjana Shankar Sonawane & Anr. Applicants

versus

The State of Maharashtra Respondent

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- Mr.Tushar N. Sonawane, Advocate for Applicant.
- Ms.A.A. Takalkar, APP for the State/Respondent.
- API Mr.Mahesh Mandave, Igatpuri Police Station present.

CORAM : SARANG V. KOTWAL, J.
DATE : 08th AUGUST, 2019

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.I-22/19 registered with Igatpuri Police Station, Nashik, under sections 307, 498-A, 504 r/w 34 of the Indian Penal Code.

2. The FIR is lodged by one Mrs.Rupali Santosh Sonawane on 27/03/2019. She has stated that she had got married with the Santosh Sonawane on 21/02/2011. The

present Applicants are Santosh's parents. She has stated in her FIR that since beginning the Applicant No.1 used to ill-treat her. Both the Applicants never allowed the Applicant to go to her parental house. She was not allowed to meet her sister residing at Jogeshwari. Her brother-in-law used to harass her after consuming liquor. Her sister-in-law also used to harass her. Her husband used to ignore all this harassment. In May 2018 they had started residing in their new house. The Applicant No.1 started demanding Rs.5 lakhs to repay the loan which was taken by her son i.e. deceased's husband to build his house. The first informant came to know that her husband had illicit relations with a lady. Therefore the informant was disturbed. On 07/02/2019 in the morning at 09.30 a.m. her husband came back from work. At that time, there was exchange of words between the informant and the Applicant No.1. The husband was annoyed. He asked them to stop fighting and went to his bedroom. As he left for his bedroom, the Applicants again started quarreling with the informant. It is her allegations that the Applicant No.1 held her from behind and the Applicant No.2

poured acid in her mouth. She started shouting. Her husband came and removed her to hospital, where she was treated. After that, she lodged her FIR against the present Applicants. The Applicants are apprehending arrest in connection with this crime.

3. Heard learned Counsel Mr.Tushar N. Sonawane for the Applicant and learned APP Ms.A.A. Takalkar for the State.
4. Mr.Sonawane submitted that the informant's husband was present in the house. Her son was also in the house when the incident took place. He submitted that the informant was a young lady about 28 years of age. Both the Applicants are old. It was impossible for them to overpower her and force her to consume acid. He submitted that there are no injuries suffered by any of the Applicants because of spilling of acid. It shows that there was no struggle. He submitted that the allegations in connection with offence punishable u/s 498-A are equally vague. He submitted that the custodial interrogation of the Applicants is not necessary.

5. Learned APP opposed this application and produced before me the medical papers which show that the first informant was admitted to the hospital for accidental consumption of corrosive poison. He submitted that the informant's case is supported by the medical report. She was admitted to the hospital for a period of more than a month. She also relied on the statement of a child witness i.e. the son of the informant who is 8 years of age. His statement is recorded u/s 164 of Cr.P.C. corroborating the story of the prosecution.

6. I have considered these submissions. There is considerable force in the submission of learned Counsel for the Applicants that the informant was a young lady and it was not possible for two aged people to overpower her to make her consume poison. Though, she was in the hospital for more than one month, her statement was not recorded in the hospital. No acceptable explanation is offered. There is no doubt that she had consumed poison. The question remains as to whether she had

consumed it herself, or she was made to consume it. All the circumstances indicate that it was highly difficult for the Applicants to administer poison forcibly.

7. Though, there is a statement of child witness recorded u/s 164 of Cr.P.C., this statement is almost exact replica of the allegations in the FIR on particular aspects of the events on that day. It is important to note that the child is residing with the first informant and he had given the statement during the period of stay with his mother i.e. the first informant. Therefore the learned Counsel for the Applicants submits that possibility of tutoring the child witness cannot be ruled out. Reading of this statement does indicate that the statement is in consonance with the FIR. The events are described in exactly same manner as are described in the FIR. Therefore his tutoring cannot be ruled out.

8. The statements of the neighbours are also recorded. There is nothing in the investigation papers showing that she had narrated the incident to any of the neighbours or to any of

the staff members in the hospital making allegations against the present Applicants. Thus, the allegations against the present Applicants are belatedly made. In this view of the matter, the custodial interrogation of the Applicant is not necessary. Therefore I am inclined to grant anticipatory bail to the Applicants. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.I-22/19 registered with Igatpuri Police Station, Nashik, the Applicants 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.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)