

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

**ANTICIPATORY BAIL APPLICATION NO.1345 OF 2019**

Sanjay Pandurang Pawar & Anr.

.... Applicants

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Nitin B. Patil, Advocate for Applicant.
- Mr.S.S. Pednekar, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.**

**DATE : 09<sup>th</sup> JULY, 2019**

**P.C. :**

1. The Applicants are seeking anticipatory bail in connection with C.R.No.153/19 registered with Sangola Police Station, Solapur, under sections 307, 498-A, 323, 504, 506 r/w 34 of the Indian Penal Code. The Applicant No.1 is the husband and Applicant No.2 is the mother-in-law of the first informant.

2. The FIR is lodged by informant on 13/02/2019. She had mentioned in her FIR that she got married with Applicant No.1 on 23/11/2017. After her marriage, the family members of

the Applicant started ill-treating her and started demanding money. The Applicant No.1 was ill-treating her and sometimes assaulting her. For a few days the couple resided at Pune. The first informant got pregnant. Then she was left at her parental house. She delivered a baby boy on 25/11/2018. It is her case that nobody from the Applicant No.1's family came to see her or her new born son. Thereafter on 29/01/2019 the informant was left at the house of Applicant No.1's father at Vatambare. Even thereafter she was being ill-treated. The Applicant No.2 used to give her stale food. On 11/02/2019, the Applicant No.1 had gone to Pune. On the next day between 12.00 p.m. to 01.00 p.m. the informant's mother, who had visited her had gone to attend nature's call, at that time allegedly victim's father-in-law poured poison forcefully in her mouth and the Applicant No.2 assisted him by pressing her nose. After that both of them kept her outside the house and started shouting that the informant herself had consumed poison. Thereafter she was removed to hospital and was treated there. On these allegations she lodged her FIR.

3. Heard learned Counsel Mr.Nitin B. Patil for the Applicant and learned APP Mr.S.S. Pednekar for the State.
4. Learned Counsel for the Applicant submitted that the Applicant No.1 was not in the village when the incident took place. Even otherwise, the incident was quite unbelievable because the informant's mother was very much present in the vicinity. In her presence the Applicants could not have committed that offence.
5. As against this, Mr.S.S. Pednekar, learned APP submitted that the offence is serious and the investigation papers show that the informant was treated in the hospital.
6. Considering the submissions advanced, as far as the allegations of commission of offence u/s 498-A of IPC are concerned, these allegations are general in nature and therefore custodial interrogation of the Applicants for that purpose is not

necessary. The important section in this case is section 307 of the Indian Penal Code, which is not attributed against the present Applicant No.1 because he was not in the village when the incident had taken place. Therefore, in any case, his custodial interrogation for investigation into the offence u/s 307 of IPC is not necessary. Insofar as Applicant No.2 is concerned, firstly she is a lady and secondly it is rather difficult to believe that the incident could have taken place in the manner in which it is alleged because the informant's mother was in the vicinity. In her presence, the Applicant No.2 or her husband could not have committed this offence. Hence it is rather difficult to believe that the incident had taken place in the manner in which it is described.

7. In this view of the matter, the custodial interrogation of even Applicant No.2 is not necessary. But she is required to attend the police station for the purposes of investigation. Hence, the following order :

**ORDER**

- (i) In the event of their arrest in connection with C.R.No.153/19 registered with Sangola Police Station, Solapur, 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) The Applicants shall attend Sangola Police Station from 17/07/2019 to 19/07/2019 between 03.00 to 05.00 p.m. and shall cooperate with the investigation.
- (iii) The Applicant No.2 shall be interrogated in the presence of a lady police officer.
- (iv) Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**