

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (ABA) NO. 66/2019

(SANDIP NAVNATH GHUGE VERSUS STATE OF MAHARASHTRA, THR. PSO PS ANSING, DIST. WASHIM)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri P.M. Pande, counsel for applicant.
 Shri V.A. Thakare, Additional P.P. for non-applicant.

CORAM : A.S. CHANDURKAR, J.

DATE : JULY 12, 2019.

The applicant apprehends arrest in connection with Crime No.164 of 2017 dated 24.08.2017 registered by Police Station Ansing, Tahsil and District Washim for the offences punishable under Sections 307 and 34 of the Indian Penal Code.

The initial application filed by the applicant seeking anticipatory bail was rejected on 09.11.2017 in the light of the statement of the victim that it was the applicant who had forcibly administered a poisonous substance to him.

The present application has been filed on 29.01.2019 in the backdrop of the charge-sheet having been filed in the said offence.

Shri P.M. Pande, learned counsel for the applicant submits that the applicant is innocent and he has been unnecessarily implicated in the said offence as there is a dispute between the informant and the applicant's family members. He has sought to refer to the statement of one

Laxman Musale in which said witness has stated that the applicant alongwith his father were proceeding on motorcycle. Presence of present applicant at that spot was not noted by the said witness. He has also sought to refer to other statements on record to indicate the false implication of the applicant. Further it is submitted that despite interim protection being granted on 11.02.2019, the applicant was summoned only once by the Investigation Officer. It is therefore submitted that by imposing appropriate terms, the applicant can be granted protection from arrest.

Shri V.A. Thakare, Additional Public Prosecutor opposed the application. He relied upon the report of the Chemical Analyzer and submitted that said report indicates presence of poisonous substance in the liquid that was sought to be administered to the victim. According to him, in the light of the fact that the statement of the victim indicates that it was the applicant who had poured the liquid substance in his mouth coupled with presence of poisonous contents thereof, the applicant is not entitled for protection.

Heard learned counsel and perused the charge-sheet as well as the statements recorded. For the present, statement of the victim dated 28.08.2017 indicates administration of some liquid by the applicant as a result of which said victim became unconscious. This statement read with the report of the Chemical Analyzer indicates presence of poisonous contents in the liquid that was administered to the victim. In the light of this material on record, I am not inclined to protect the applicant from possible arrest.

The application therefore stands rejected.

It is however clarified that observations made in the present order are only for the purposes of deciding the present application and the trial Court shall not be influenced by the same while deciding the trial.

JUDGE

APTE