

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

902 ANTICIPATORY BAIL APPLICATION NO.175 OF 2020

**YOGESH S/O. POTANNA TAMALWAD
VERSUS
THE STATE OF MAHARASHTRA**

Mr. S. S. Rathi, Advocate for the applicant
Mr. Y. G. Gujrathi, APP for the respondent/State.

CORAM : M. G. SEWLIKAR, J.

DATED : 22-12-2020

P.C. :-

. This is an application under Section 438 of the Code of Criminal Procedure for anticipatory bail.

2. Facts leading of this application are that the deceased-Bhagyashree was the daughter of the informant. She was married to applicant about four years ago. She was subjected to ill treatment by the applicant. She had delivered a child who died after a period of one and half months. On 19/12/2019 at 11.00 a.m. the deceased-Bhagyashree informed the informant that the applicant was beating her and as she could not tolerate the ill treatment she consumed poison. She was immediately shifted to the hospital. Since her condition improved, she was discharged from the hospital. Again she was admitted to the hospital as she was suspected to have suffered epilepsy attack. On arrival in the hospital she was declared dead by the Medical officer, Primary Health Center at Bhokar, District Nanded. The informant

thereafter lodged the FIR on the basis of which offence under Sections 306, 498-A of the Indian Penal Code came to be registered against the applicant.

3. Heard Mr. Rathi, learned counsel for the applicant and Mr. Gujrathi, learned APP for the respondent/State.

4. From the contents of the FIR, it is seen that the deceased was admitted in the hospital as she had consumed poison. Since her condition improved she was discharged from the hospital. Again she was admitted as she had suffered epilepsy attack. After her death, postmortem was conducted. The postmortem report shows that the opinion was reserved and viscera was preserved. Viscera was sent to the Chemical Analyzer for analysis. Learned APP Mr. Gujrathi has placed on record the CA report which shows that no poison was detected. It cannot be said that the death of the deceased was unnatural. In view of this the interim anticipatory bail is confirmed on the same terms and conditions. The application is disposed of.

[M. G. SEWLIKAR, J.]

ssp