

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

927 ANTICIPATORY BAIL APPLICATION NO.1061 OF 2020

SANTOSH BHANUDAS BHASKAR

VERSUS

STATE OF MAHARASHTRA

...

Mr. R.V. Gore, Advocate for applicant

Mr. S.Y. Mahajan, APP for respondent

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 15th DECEMBER, 2020

ORDER :

1 Present application has been filed by the original accused No.3 under Section 438 of the Code of Criminal Procedure, 1973 as he is apprehending his arrest in connection with Crime No.212/2020 dated 17.10.2020 registered with Daulatabai Police Station, Dist. Aurangabad for the offence punishable under Section 307, 328, 504, 506 read with Section 34 of the Indian Penal Code.

2 Heard learned Advocate Mr. R.V. Gore for applicant and learned APP Mr. S.Y. Mahajan for respondent. In order to cut short, it can be said, that they had argued in support of their respective contentions.

3 Perusal of the First Information Report would show, that it has been lodged by a lady aged 21 years viz. Komal Narayan Sonwane, who says that she resides at Fatiyabad, Tq. Gangapur, Dist. Aurangabad. One Bandu Bhaskar has land adjacent to the land owned by the family of the informant. The family of the informant has secured their land by cement poles. The informant went to field around 12.00 p.m. on 16.10.2020 for picking cotton and then she was joined by her mother-in-law Mamtabai. They found one pillar from the boundary adjacent to Bandu's land uprooted, and therefore, she asked Bandu as to how the said pillar has been uprooted, at that time, Bandu arrogantly told that he had uprooted it and he was abusing her. Bandu also abused her mother-in-law and by giving threat he went and he called his father and brother. The mother-in-law of the informant then went to call her relatives. Around 2.30 p.m. when the informant was alone, Bandu, his father Bhanudas and brother Santosh came. Santosh is the present applicant. Santosh abused her and told Bandu to catch hold of her and stated that by administering medicine to her they would kill her and throw her in well. They caught hold of the informant and Bandu administered the poisonous substance to her. She became unconscious. Thereafter, the family members went to the field. They could not find her in their field. But then she was found in the field of Bandu. In fact, her presence in the field of Bandu was found out by her husband with the help of

police. She was then shifted to Government Hospital. She regain her conscious on the next day and then she lodged the report.

4 It is to be noted that as regards the present applicant is concerned, it is stated that he had instructed Bandu and then caught hold of the informant. Actual administration of the poisonous substance is by Bandu who is not before this Court, at this stage. Therefore, physical custody of the applicant is not required for the purpose of investigation. Though there might be some active part assigned to applicant, yet that cannot be the only ground to curtail his liberty. Hence, application deserves to be allowed.

ORDER

1 The application is hereby allowed.

2 The order passed by learned Additional Sessions Judge, Aurangabad in Bail Petition No.1615/2020 dated 29.10.2020 is hereby set aside in respect of applicant Santosh Bhanudas Bhaskar. Said application stands allowed in respect of applicant Santosh Bhanudas Bhaskar.

3 The ad-interim protection, granted by this Court earlier to applicant vide order dated 10.11.2020, is hereby confirmed and made absolute. In other words, if the applicant is not formally arrested, in the event of arrest of the applicant Santosh Bhanudas Bhaskar, in connection

with Crime No.212/2020 registered with Daulatabad Police Station, Dist. Aurangabad for the offence punishable under Section 307, 328, 504, 506 read with Section 34 of the Indian Penal Code, he be released on P.R. of Rs.30,000/- (Rupees Thirty Thousand only) with two sureties of Rs.15,000/- (Rupees Fifteen Thousand only) each.

4 The applicant shall not tamper with the evidence of prosecution, in any manner nor he shall indulge in any criminal activity.

5 He shall remain present before the Investigating Officer on every Monday and Thursday between 12.00 noon to 02.00 p.m., till filing of charge sheet.

(Smt. Vibha Kankanwadi, J.)

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