

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (ABA) 207 OF 2020

(Smt. Asha w/o. Madhukar Yeole..vs..State, thr PSO, PS Anjangaon Surji)

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

Court's or Judge's orders.

Shri S.V. Sirpurkar, counsel for applicant.
Shri P.S. Tembhare, APP for non-applicant.

CORAM: ROHIT B. DEO, J.

DATE:05.10.2020.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Vide order dated 26.3.2020, this Court protected the applicant, noting thus:

“4. The deceased is the 11 months old grandson of the applicant and the crime is registered on the basis of statement dated 24.2.2020 given by the daughter-in-law of the applicant Priya Kuldip Yeole. Along with the applicant, the husband and father-in-law of the informant are arrayed as accused. While the husband of the informant i.e. the son of the applicant is in judicial custody, the father-in-law of the informant i.e. the husband of the applicant is granted pre arrest bail by the learned Sessions Judge.

5. It appears from the facts culled out in the order of the Sessions Judge that on 22.2.2020, the informant and her 11 months old son Kunj were brought to Rural Hospital, Anjangaon Surji and were thereafter referred

to Civil Hospital, Amravati, where the child succumbed. The statement of the informant was recorded on 24.2.2020, in which, she stated that her husband and the present applicant forcibly poured half bottle of pesticide in her mouth and then her husband Kuldip poured some pesticide in a glass and administered it to the child.

6. *Shri S.V. Sirpurkar, the learned counsel would submit that the informant and the child were admitted to the hospital by her husband i.e. the son of the applicant, who was accompanied by Shri Gajanan Yeole, Shri Gangadhar Hiwse and Shri Debu alias Nandkishor Rokde and initially inquiry under section 174 of the Code of Criminal Procedure, was initiated. Shri S.V. Sirpurkar, would submit that apparently the first informant herself administered the poison to the child and then attempted to commit suicide. The false complaint is lodged only to save herself from consequences of the death of the child and her own survival, is the submission.*

7. *Considering that the applicant is 63 years old woman, and that the submission of Shri S.V. Sirpurkar shall have to be considered more elaborately after the State files an affidavit in response, in the peculiar facts of the case, I am inclined to protect the applicant till the State is heard”.*

3. The co-accused, who is the son of the applicant is released on bail.

4. It is not the case of the prosecution that the applicant has not abided by the conditions of interim protection.

5. Considering that the applicant has demonstrated that the prosecution case is prima facie debatable and indeed doubtful, the interim order dated 26.3.2020 is made absolute with the only modification that the applicant shall attend the concerned Police Station, as and when required by the Investigating Officer.

Judge

Belkhede RS