

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

CRIMINAL APPLICATION (BA) NO. 290 OF 2020

Saurabh Ashok Wankhede and another .Vs. State of Maharashtra, through
PSO, PS, Channi, Tq. Patur, Dist. Akola.

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

Court's or Judge's orders.

Mr. A.S. Siddiqui, Advocate for applicants.
Mr. C.N.Lokhande, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : MAY 19,2020

Heard Mr. Siddiqui, learned counsel for the applicants and Mr. Lokhande, learned Additional Public Prosecutor for non applicant-State.

The applicants are arrested on 27.02.2019 in connection with Crime No.314/2019 registered with Police Station, Channi, Tq. Patur, Dist. Akola for an offence punishable under Sections 307, 323, 498A, 504, 506 read with Section 34 of the Indian Penal Code.

The First Information Report (FIR) is lodged by the victim herself. Applicant No.1 is her husband whereas applicant No.2 is her brother-in-law. From the FIR it is clear that the applicants are residing separately. The incident in question is dated 11.11.2019. No role of applicant no.1 is attributed at the time of actual incident of administering of poison. The role attributed to the applicant No.2 is that he along with other co-accused i.e. mother-in-law and sister-in-law of the victim caught hold the victim and thereafter one

Shubhangi administered the poison.

The order passed by the learned Additional Sessions Judge, Akola while rejecting the application of the applicants shows that the victim was in hospital from 11.11.2019 to 15.11.2019. In that view, there is no chance that the offence will convert into more graver one. Since the applicants are in jail since 27.02.2019 and looking to the allegations made against them, I am of the view that the application can be granted. Hence, I pass the following order:

ORDER

- (i) The Criminal Application is allowed.
- (ii) Applicant Nos. (1) Saurabh Ashok Wankhade and (2) Vaibhav Ashok Wankhade be released on bail in connection with Crime No. 314/2019 registered with Police Station, Channi, Tq. Patur, Dist. Akola for the offence punishable under Sections 307, 373, 498A, 504, 506 read with Section 34 of the Indian Penal Code, on they executing PR bond in the sum of Rs.10,000/- each, with one solvent surety of the like amount.
- (iv) After their release on bail, the applicants shall attend Police Station, Channi, Tq. Patur, Dist. Akola once in fortnight, until culmination of the trial.
- (v) Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.
- (vi) The order be communicated to the counsel appearing for the parties, either on the e-mail address or on

WhatsApp or by such other mode, as is permissible in law.

The application is disposed of

JUDGE

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