

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

ANTICIPATORY BAIL APPLICATION NO. 414 OF 2021

1. Indubai w/o Santosh Jadhav
Age 30 years, Occu: Housewife
2. Yashodabai w/o Jayram Jadhav
Age 55 years, Occu: Housewife
3. Krushna s/o Jayram Jadhav
Age 28 years, Occu: Agri.
4. Geeta w/o Krushna Jadhav ... **Applicants**
Age 25 years, Occu: Housewife

All R/o Masai Tanda No.2, Tq. Ambad,
District Jalna

VERSUS

The State of Maharashtra, ... **Respondent**
Through Police Inspector,
Police Station Ambad, Tq. Ambad
District Jalna

Mr. T. K. Rathod, Advocate for the applicants,
Mr. V. S. Badakh, A.P.P. for the State.

CORAM : V. G. BISHT, J.
DATE : 10th August, 2021.

ORDER:

1. This is an application under section 438 of the Code of Criminal Procedure, 1973 preferred by the applicants seeking grant of pre-arrest bail in connection with Crime No. 0345/2019, registered with Ambad Police Station, District Jalna for the offences punishable under Sections 307, 341, 143, 147, 148, 149, 323, 504, 506 of the Indian

Penal Code, 1860.

2. Informant and the applicants-accused are neighbours.

3. On 06.08.2019, the present applicants-accused along with other accused visited the field of informant and started abusing the informant and her husband. It is alleged that accused Indubai (Applicant No.1) and Yashodabai (Applicant No.2) made the informant fall on the ground. Accused Jayram and his two sons forcibly administered insecticide in the mouth of the informant. Later on, accused Santosh also assaulted the informant's husband by means of Axe, so also his wife by means of sickle.

4. Mr. T. K. Rathod, the learned Advocate for the applicants, submits that the accused have been falsely implicated inasmuch as a civil dispute between the accused and family members of the informant is going on. Moreover, the main accused has already been released on regular bail. So also, having regard to the accusation against the present applicants, there is no necessity of their custodial interrogation and therefore, for this reason, the interim protection granted by this Court needs to be confirmed.

5. Mr. V. S. Badakh, the learned A.P.P., on the other hand, opposed the submissions by contending that specific allegations are levelled against the present applicants/accused, supported by medical evidence. The investigation is in progress and if the protection is

granted to the applicants/accused, then there is every possibility of investigation being hampered at their hands. Therefore, the application needs to be rejected, argued learned A.P.P.

6. It may be seen from the record that on 19.07.2021, this Court (Coram: Sandeep K. Shinde, J.) had an occasion to put certain observation on record. After going through the discharge card of the Government Hospital, which recorded that the informant had ingested unknown compound at home, this Court further observed that narration in discharge card militates against the allegations made against the applicants inasmuch as, the discharge summary of the Government Hospital showed that the informant had ingested unknown compound at home.

7. Be that as it may, the fact remains that having regard to the nature of accusations made against the present applicants, there is no necessity of their custodial interrogation. There is also no dispute as to the fact of civil dispute existing between the parties. No antecedents of the applicants/accused are brought on record. This being so, in my considered opinion, the present application deserves consideration.

8. In view of above, I pass following order.

O R D E R

- i. In the event of arrest of the applicants in connection with Crime No. 0345/2019, registered with Ambad Police

Station, District Jalna for the offences punishable under Sections 307, 341, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code, 1860, the applicants are directed to be enlarged on bail on their furnishing P.R. Bond of Rs. 25,000/- [Rs. Twenty five thousand only] each, with one or two solvent sureties in the like amount.

- ii. The applicants shall attend concerned police station as and when called and shall cooperate with the police in the investigation.
- iii. The applicants shall not tamper with the prosecution evidence in any manner.

9. Criminal application stands disposed of in the aforesaid terms.

(V. G. BISHT, J.)

JPC