

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

927 ANTICIPATORY BAIL APPLICATION NO.597 OF 2021

1) VIDYA W/O. DNYANESHWAR ABHANG
2) DNYANESHWAR S/O. TUKARAM ABHANG

VERSUS

THE STATE OF MAHARASHTRA

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Mr. Sohail Subhedar, holding for Mr. Nilesh S.Ghanekar, Counsel for applicants

Mr. A.S.Shinde, APP for respondent-State

Mr. K.G.Gaikwad, holding for Mr. P.P.More, Counsel for complainant (assist to APP)

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CORAM : PRAKASH D. NAIK, J.

DATE : 03rd DECEMBER, 2021

PER COURT:

1] This is an application for pre-arrest bail in Crime No.140 of 2021 registered with Gondi Police Station, Tq.Ambad Dist.Jalna for offences under Sections 327, 328, 341, 504 and 511 read with 34 of Indian Penal Code (for short, 'IPC').

2] The complaint is lodged by Sheetal Aakash Khoje on 20th April, 2021, alleging that the applicants/accused had acted in connivance with each other and abused the complainant and others, when they were in the agricultural field. They tried to run over the complainant with vehicle. Accused No.1 caught hands of the complainant and accused No.2 tried to pour poison, which fell on her clothes.

3] The contention of applicant is that the FIR is false. Prior to this incident, the FIR was registered by sister of applicant No.1 under Sections 302 and 201 read with 34 of IPC against the informant and others. Applicant No.1 is the witness in the said case.

4] Learned APP submitted that the offence is of serious nature. Role has been attributed to the applicants. The bottle containing poison is required to be recovered. Custodial interrogation of the applicants is necessary.

5] Learned Counsel for the complainant submitted that both the applicants have participated in the offence. The agricultural land belongs to the complainant. The applicants/accused are trying to disturb the possession of the complainant. The offence is of serious nature.

6] It appears that there is no evidence to show that poison was administered. The complainant and her husband are accused in Crime No.491 of 2020 registered on 14.12.2020 for offences under Sections 302 and 301 read with 34 of IPC. It was registered by the sister of applicant No.1, who was also witness in the said FIR. In the light of above facts, there is every possibility that the applicants are falsely implicated in the present crime. In any case, this is not the case for custodial interrogation. Hence, I pass the following order.

ORDER

- (i) Anticipatory Bail Application No.597 of 2021 is allowed.
- (ii) In the event of arrest of the applicants in connection with Crime No.140 of 2021 registered with Gondi Police Station, Tq.Ambad Dist.Jalna, the applicants be released on bail on executing P.R.Bond in the sum of Rs.20,000/- each, with one or two sureties in the like amount.
- (iii) Applicants shall join investigation, as and when called by the Investigating Officer.
- (iv) Application stands disposed of.

(PRAKASH D. NAIK, J.)

sarowar