

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1109 OF 2021

1. Ramrao Bhujangrao Tamewar
2. Jayasri w/o Ramrao Tamewar
3. Avinash Ramrao Tamewar
4. Shweta w/o Kirankumar Dhanappa @
Shweta d/o Ramrao Tamewar. Applicants.

Versus

The State of Maharashtra. Respondent.

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Mr. N.S. Ghanekar, Advocate for the applicants.
Mr. S.B. Narwade, A.P.P. for respondent – State.
Mr. B.G. Londhe, Advocate assisting the PP.

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CORAM : **PRAKASH D. NAIK, J.**

DATE : 11-10-2021.

ORDER :

1. The applicants are apprehending arrest in connection with Crime No. 578/2021 registered with Kranti Chowk Police Station, Aurangabad for the offences punishable under Sections 307, 498-A read with Section 34 of the Indian Penal Code.

2. The First Information Report (for short "F.I.R.") was lodged on 28.08.2021 alleging that the complainant got married to Chandrakant Ramrao Tamewar in 2014. She is a doctor by profession. She is residing at per parental home at Vasmat. After the marriage, she stayed at matrimonial home, continuously for three months. Since she had her own hospital, she used to travel from

Vasmat and Aurangabad. She was ill-treated by the accused. The complainant learnt that her husband had performed marriage with another woman in 2011 and the said marriage was dissolved by divorce. The first wife had lodged complaints against him. The complainant was assaulted by her husband. Husband was transferred to Konkan. He was Medical Officer at Government Hospital. He was then transferred to Washim. He had committed theft of her ornaments from her house and in respect to that complaint was lodged by the complainant. The complainant was residing at her parental home. About 3 to 4 days prior to the incident, her husband had sent message to her brother that the complainant should be sent to her matrimonial home to resolve dispute. On 27.08.2021 the complainant and her brother came to Aurangabad. At about 8.30 ap.m. complainant's brother dropped her at her matrimonial home and went out. Her father-in-law, mother-in-law, brother-in-law and sister-in-law were present in the house. Husband was not in house. They had discussion about matrimonial differences with the complainant. She was abused by the accused. Her brother-in-law stated that his elder brother had told that she should be finished. Accused caught her hair and brother-in-law removed a bottle from the pocket and poured chemical from the bottle in her mouth. It was poisonous medicine. She managed to save herself and left her matrimonial home. She was chased by the accused. She fainted. Thereafter she found that she was in hospital. Hence, the FIR was registered for the aforesaid offences.

3. Learned Counsel for the applicants submitted that the F.I.R. is false. The relationship between informant and her husband is strained. The applicant No. 3 is residing with wife and children at Khadkeshwar, Aurangabad. Applicant No. 4 is residing with her husband at Bidar, Karnataka State. No injuries were found on the person of the victim. There were no signs of force being used to administer poison. It is difficult to accept that after she has joined her parental home, she was called by the accused for resolving the dispute. She had allegedly come from Vasmant to Aurangabad. The husband of the complainant was granted anticipatory bail. Custodial interrogation of the applicants is not necessary. Applicant No.1 is aged about 72 years and applicant No. 2 is 65 years old. Applicant Nos. 3 and 4 are doctors by profession. The complainant has concocted the story to implicate the applicants in the crime. Medical case papers show case of sanitizer poisoning. The complainant had visited house of accused on 02.07.2020 and had scuffle with applicant Nos.1 and 2. Applicant Nos.1 and 3 lodged complaint to Police Commissioner on 08.07.2020. Civil proceedings were initiated by complainant's husband and her parents against each other.

4. Learned A.P.P. submitted that specific role has been attributed to the applicants. The applicants were involved in administering poison to the complainant. The statement of the complainant was also recorded under Section 164 of the Code of Criminal Procedure which supports the prosecution case. Custodial

interrogation of the applicants is necessary. The case of co-accused who have been granted anticipatory bail, can be distinguished. The version of the complainant is supported by the witnesses. She was found in unconscious condition and admitted to the hospital by the witnesses. The statement of the brother of victim also supports the prosecution case. Medical evidence supports the prosecution case. F.I.R. was registered against husband by complainant. N.C. was registered on 02.07.2020 by the complainant against the accused. Complaints were lodged in the past by the complainant. The accused have not cooperated with investigation.

5. Learned Counsel for the complainant adopted the submissions of the learned A.P.P. and opposed the relief.

6. The marriage between complainant and the son of applicant Nos.1 and 2 was performed in 2014. On account of matrimonial discord the complainant was residing at her parental home. The alleged incident had occurred on 27.08.2021. The victim was allegedly found in unconscious condition. There is no independent witness to support the version of the complainant with regard to the incident which had occurred in the house of the accused. The brother of the complainant had accompanied her from Vasmat to Aurangabad and left out immediately. He is not the eye witness to the incident. Applicant Nos.1 and 2 are senior citizens. Applicant Nos. 3 and 4 are doctors by profession. The medical case papers provided history which indicate that the incident had occurred

at 7.00 a.m. Statement of brother of complainant was recorded on 30.08.2021.

7. Considering the factual aspects, the applicants need not be subjected to custodial interrogation. Anticipatory bail can be granted on certain conditions. Hence, I pass following order.

ORDER

- (I) In the event of arrest of the applicants in connection with Crime No.578/2021 registered with police station, Kranti Chowk, Dist. Aurangabad, the applicants be released on bail on executing P.R. Bond in the sum of Rs. 25,000/- each, with one or more sureties in the like amount.
- (II) The applicants shall appear before the Investigating Officer on 20th, 21st and 22nd October, 2021 between 11.00 a.m. and 1.00 p.m. and thereafter. as and when called for.
- (III) The applicants shall not tamper with the evidence.
- (IV) Application stands disposed of.

(PRAKASH D. NAIK, J.)