

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

923 ANTICIPATORY BAIL APPLICATION NO.1150 OF 2021

Anisabi W/o Ayub Khan Pathan,
Age 45 years, Occ. Household,
R/o. Limbala Makta,
Tq. & Dist. Hingoli.

...Applicant.

VERSUS

The State of Maharashtra

...Respondent.

...

Mr. Hamzakhan I.Pathan, Counsel for the applicant
Mr. S.B.Narwade, APP for the respondent-State

...

CORAM : PRAKASH D. NAIK, J.

DATE : 13th OCTOBER, 2021

PER COURT:

1] This is an application for pre-arrest bail in CR No.217 of 2021 registered with Police Station Hingoli (Rural), Dist. Hingoli for the offences punishable under Sections 307, 498(A), 323 and 504 read with Section 34 of Indian Penal Code (for short, 'IPC'). The First Information Report (for short, 'FIR') was registered on 2nd September, 2021.

2] The case of the complainant is that her marriage was performed with the applicant's son in the year 2014. Her first marriage was performed in the year 2014 and since there were differences between the complainant and her husband from the previous marriage, they had separated. The complainant was thereafter residing with her

parents. On 24th July, 2020, she performed marriage with Sultan Khan Ayub Khan. For a period of about 10 - 15 days from marriage, she was treated well. Thereafter, the accused ill-treated her. She was abused and physically harassed. She informed about this to her parents and on 28.02.2021, she went to her parental home. Her husband had visited her for about 2-3 times and tried to persuade her to join matrimonial home with an assurance that he would not trouble her. On 31st August, 2021 at about 2.00 pm, her husband visited her parents' home and took her to his house. The parents of her husband were at home. The father-in-law, mother-in-law and her husband abused her. They also decided to finish her. The father-in-law and mother-in-law caught her hands and legs and the husband brought insecticide and forcefully administered it to her. She felt dizziness and managed to run away from the house of the accused and visited her parental home. She was immediately taken to Nakade Hospital at Hingoli for treatment. Statement was recorded on 02.09.2021 and it was treated as FIR.

3] During the course of investigation, the father-in-law and the husband of the complainant were arrested and they are in custody. The applicant is mother-in-law of the complainant.

4] Learned counsel for applicant urged that the FIR is false. The complainant had left the matrimonial home and joined parental home on 28.02.2021 and she continued to stay there. The alleged incident had not occurred at her matrimonial home. There are contradictions in the version of the complainant and other witnesses. Incident occurred at 02.00 pm. She was admitted in hospital at 06.12 pm. The FIR has been registered on 02.09.2021 at about 06.30 pm. The complainant had concocted her version and falsely implicated the applicant. The distance between the residence of the applicant and the parental home of the complainant is short. The hospital, where she was admitted is situated at a distance of about 7 km. The applicant would co-operate with investigation.

5] Learned APP submitted that there is a sufficient material available against the applicant to show her involvement in the crime. The victim was subjected to continuous harassment. The incident had occurred in the house of the accused. The victim was administered the insecticide forcefully by the accused. The said fact is evident from the medical case papers. The victim was taking treatment in the hospital and initially she was not in a position to give the statement. However, subsequently, the statement was recorded, while she regained her consciousness. There are statements of other witnesses, which support

the prosecution case. The victim was taken to the hospital by the witnesses. The offence is of serious nature. Hence, the custodial interrogation of the applicant is necessary.

6] From the tenor of the FIR and the other investigation case papers, it is apparent that the marriage between the co-accused and the complainant was solemnized in July, 2020. Undisputedly, the complainant had left the matrimonial home on 28.02.2021 and since then she was residing at her parental home. Thus, the complainant was at her matrimonial home for a period of about 7 months. According to complainant, she came to the house of the accused at the instance of her husband on 30.08.2021. The incident had occurred in the afternoon at about 2-00 pm. According to complainant, the accused had forcefully administered insecticide. As a result of it she was felt dizzy and immediately left to her parental home. Thus, the victim was at her parents' home within a short span of time. She was admitted in the hospital in the evening at about 6.12 pm. The contention of the applicant is that the incident, if any, had occurred in the house of the parents of the complainant and not at the residential premises of the applicant. The medical certificate indicates that the victim was unconscious and her statement could not be recorded. If she was administered insecticide at 2.00 pm, it is not clear as to why

she was admitted in the hospital late at 6.12 pm. The victim in her statement has stated that she left to her parental home immediately after the occurrence of incident. It appears that the other witnesses have stated that she was taken to hospital from the residence of the accused. The husband and the father-in-law of the complainant has been arrested and they are in custody.

7] Considering the above-said factual matrix, the case for granting anticipatory bail is made out.

ORDER

- (i) Anticipatory Bail Application No.1150 of 2021 is allowed.
- (ii) In the event of arrest of applicant in connection with CR No.0217 of 2021 registered with Police Station Hingoli (Rural), Dist. Hingoli, the applicant be released on bail on her executing PR. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) Applicant shall report Investigating Officer on 20th, 21st and 22nd October, 2021 at 11.00 am to 01.00 pm and as and when called for, till filing charge-sheet.
- (iv) Application stands disposed of.

(PRAKASH D. NAIK, J.)