

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

924 BAIL APPLICATION NO. 1209 OF 2021

1. Sultan Khan S/o Ayub Khan Pathan,
Age : 28 years, Occu : Labour,
2. Ayub Khan S/o Nanhe Khan Pathan,
Age : 50 years, Occu : Labour,
Both R/o. Limbala Makta,
Tq. & Dist. Hingoli. ... APPLICANTS

VERSUS

The State of Maharashtra
Through Police Station Hingoli (Rural),
Dist. Hingoli. ... RESPONDENT

Shri. Hamzakhan I. Pathan, Advocate for the applicants
Shri. S. W. Munde, APP for the respondent/State

**CORAM : M. G. SEWLIKAR, J.
DATED : 22nd OCTOBER, 2021**

PER COURT :-

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicants on bail in connection with CR No. 217 of 2021 registered with Hingoli Rural Police Station, Dist. Hingoli for the offences under Sections 307, 498-A, 323, 504 read with 34 of the Indian Penal Code.

2. Prosecution case in short is that the applicant No. 1 is the husband of the informant and applicant No. 2 is the father-in-law of the informant. Marriage of the applicant No.1 with the informant was performed on 24th July, 2020. It is alleged that the informant was treated well for some days after marriage. Thereafter, the applicants and the other relatives started saying that they did not like the informant and they did not want to maintain her. They also used to say that the applicant No. 1 was forced to marry the informant. It is further alleged that on 28th February, 2021 the informant was brought home by her parents.

3. It is further alleged that 30th August, 2021 at 2.00 p.m. the applicant No. 1 came to her maternal place and took her back on the pretext that she would be maintained well. When she went to her matrimonial place, applicants and other relatives started illtreating her abusing her. Applicant No. 2 held the hands and legs of the informant, applicant No. 1 forcibly administered poison to her.

Thereafter, she was hospitalized by the brother and mother of the informant. During hospitalization informant lodged the report on the basis of which aforesaid offences came to be registered.

4. Heard learned counsel Shri. Pathan for the applicants and learned APP Shri. S. W. Munde for the respondent/State.

5. Learned counsel Shri. Pathan for the applicants submits that the incident took place in the house of the informant and the applicants have been falsely implicated in the case.

6. Learned APP invited the attention of this Court to the spot panchnama. He submits that the spot panchnama is of the house of the applicants. Therefore, he submits that the offence under Section 307 of the Indian Penal Code is clearly made out.

7. It appears from the investigation papers that informant was admitted in the hospital in serious condition. She was admitted in Nakade Multispeciality Hospital, Hingoli. From the said hospital intimation of admission of patient on account of consumption of poison was given to PI, Police Station, Hingoli. On this letter there is an endorsement that the incident took place at the residence of the informant. Therefore, it appears from these papers that the incident happened at the residence of the informant. It is pertinent to note that the informant was admitted by the brother and the mother of the informant. Applicants or his relatives were not there at the time of admission. Therefore, there is no possibility of the applicants giving the information about the spot of the incident. Therefore, considering the strained relations between the parties the possibility of false implication cannot be ruled out. In this view of the matter, I am inclined to release applicants on bail. Hence the order.

ORDER

1. Application is allowed.
2. Each of the applicants be released on bail on their

furnishing PR bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount in connection with CR No. 217 of 2021 under Sections 307, 498-A, 323, 504, 34 of the Indian Penal Code registered with Hingoli Rural Police Station, Dist. Hingoli and on condition that they shall not interfere in the investigation, shall not pressurize the witnesses and shall attend the concerned police station as and when required by the Investigating Officer to do so.

3. It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

4. Application is disposed of.

[M. G. SEWLIKAR, J.]

ssp