

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

915 ANTICIPATORY BAIL APPLICATION NO. 1200 OF 2020

1. RAMKISHAN S/O LAXMAN RODGE
2. VIJAY S/O. RAMKISHAAN RODGE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicants : Mr. D.M. Shinde.
APP for Respondent : Ms. R.P. Gour.

**CORAM : MANGESH S. PATIL, J.
DATED : 12.01.2021**

PER COURT :

Apprehending their arrest in Crime No. 81/2020, registered with Narsi (Namdeo) Police Station, Hingoli, for the offences punishable under Sections 307, 498 - A, 506, read with Section 34 of the Indian Penal Code, the applicants are seeking bail in the event of their arrest.

2. The FIR has been lodged by a lady who happens to be the daughter-in-law of applicant No. 1. Applicant No. 2 is the brother of her husband. She alleges that she was married on 30.04.2015. Her husband has been addicted to vices. He used to ill-treat her. The couple had separated two years prior to the incident. On 29.11.2020, her father along with her other relatives took her to the in-laws place.

Her maternal uncle stayed back and the other relatives left her there. It is alleged that in the evening when her husband came home he got annoyed after seeing her. The applicants then caught hold her and then the husband tried to administer her some poison. Since she got herself relieved the poison did not enter into her mouth but splashed on her Saree. She was taken to the hospital and lodged the FIR on 01.12.2020.

3. The learned Advocate for the applicants submits that allegations in the FIR, even if taken at their face value create a serious doubt about the veracity of the incident. It is unlikely that even though there were three persons making attempt to administer her poison but failed. He would submit that the main allegations are against the husband. Considering the nature of the allegations their custodial interrogation is not necessary. They are ready to co-operate the Investigating Officer. Attempt is made to falsely rope them.

4. The learned APP opposes the application. She submits that at this juncture, veracity of the contents of the FIR cannot be gone into. There are specific role attributed to both the applicants. They had caught hold her and the husband had made attempt to administer poison. There are statements of independent witnesses recorded

under Section 164 of the Code of Criminal Procedure, who support the prosecution. The matter is still under investigation. Releasing applicants on bail before completing the investigation is likely to prejudice the investigation. The offence being serious and punishable up to life imprisonment, the application may be rejected.

5. I have carefully gone through the investigation papers. Obviously no comment can be made as regards the quality of the allegations much less any attempt to comment upon the veracity or otherwise of the contents thereof.

6. However, going by the papers of investigation, nothing was found at the scene of the crime albeit the maternal uncle of the prosecutrix was very well present and had rushed to the spot immediately after the incident. There is no record to reveal if the saree of the prosecutrix was seized much less making any attempt to send it to the forensic lab. Though nothing is stated to have entered into the mouth, one cannot comprehend as to how and why she was taken to a hospital.

7. Considering all the aforementioned facts and circumstances, when the witnesses whose statements have been recorded under

Section 164 of Cr.P.C. have not specifically attributed even the presence of the applicants much less attributing any role to them, the applicants deserve to be granted bail.

8. The application is allowed. In the event of arrest of the applicants, they shall be released on bail on furnishing Personal Recognizance for an amount of Rs. 25,000/- (Rupees twenty five thousand) each and furnishing solvent surety each subject to the following conditions :

(a) The applicants shall attend the concerned PoliceStation on every Monday starting from 18.01.2021 between 3.00 p.m. and 5.00 p.m. and shall co-operate the Investigating Officer till filing of the charge sheet.

(b) They shall not tamper the evidence or influence the witnesses.

(MANGESH S. PATIL, J.)