

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

**911 ANTICIPATORY BAIL APPLICATION NO.1248 OF 2021
WITH APPLN/2791/2021 IN ABA/1248/2021**

1. Mahananda w/o Janardhan Nagargoje
2. Ranjit Dagdu Mundhe Applicants

Versus

The State of Maharashtra Respondent

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Mr. S.S. Thombre, Advocate for the applicants.
Mr. V.S. Badakh, A.P.P. for respondent - State.
Mr. Sandeep Munde, Advocate assisting the PP.

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

DATE : 07-12-2021

ORDER :

1. The First Information Report (for short, 'FIR') bearing Crime No.336 of 2021 is registered on 30th August, 2021 with Ambajogai City Police Station Dist. Beed for the offences punishable under Sections 328, 323, 143, 147, 149 and 506 of Indian Penal Code (for short, 'IPC').

2. The facts of the prosecution case is that the sister of the complainant (Mayuri) is married to applicant No.2 in December, 2019. Her complaint is under enquiry with women redressal forum. There are matrimonial differences between them. Since February, 2021, the complainant's sister is residing with him. The applicant No.1 is the sister-in-law of Mayuri. On 30th August, 2021, while the complainant was with his friends, the applicant No.1 called

complainant in her house. The complainant went to house of applicants. Applicants, Janardan Nagargoje, Dagdu Munde, Shanta Munde were present in the house. At that time Dagdu Munde told him to convey to his sister to sign divorce papers and threatened him of dire consequences. To avoid quarrel, he left their house. He was followed by accused. Ranjit Munde caught his collar and pulled him down. Mahananda brought bottle containing something. Ranjit Munde administered poison from bottle to him. Others caught his legs. Shantabai had bitten him. He shouted. His friends came to his rescue. He was taken to hospital for treatment.

3. The contention of the applicants is that the FIR is false. Dispute is going on between applicant No.2 and sister of complainant. On the same day, the applicant No.1 had lodged the complaint with the Police Station against the complainant, which was registered as non-cognizable and the present FIR has been registered as counterblast to said complaint. Complainant's sister has filed proceedings before Civil Judge, Ambajogai under Section 9 of of Hindi Marriage Act. She has filed interim application under Section 24 of the said Act. On 14.04.2021, Mahadev Kendre, Mandar Kendre (complainant) had entered the house of applicant No.1. They assaulted Janardan Nagargoje (husband of applicant No.1). F.I.R. was registered vide CR No. 160/2021 under Sections 323, 324, 143, 147, 149, 504, 506, 452 of I.P.C. on 15.04.2021 against Mahadev Kendre, Mandar Kendre and unknown persons.

4. Learned A.P.P. submitted that active role has been played by the applicants. There is evidence to show involvement of the applicant. Statements of two persons were recorded. There are eye witnesses to assault. Medical case papers support the version of complainant that poison was administered to him.

5. Learned Counsel for the complainant also re-iterated the submissions of learned A.P.P. He submitted that, the applicants have played prime role in the crime. The incident is witnessed by two persons. The medical evidence supports the case of complainant that the accused were involved in administering poison. Hence, custodial interrogation is necessary.

6. I have perused F.I.R. and investigation papers. Complainant has alleged that he was called at the residence by accused. He was assaulted and administered poison while he was leaving premises of accused. Statements of two eye witnesses recorded on 31.08.2021 mention that they heard shouts of complainant. They entered in the house of accused. They noticed that the relatives of complainant were assaulting him. They rescued him and at that time the complainant had informed them that the accused had administered some liquid like poison to him. Thus, they are not witnesses to the incident of administering poison to the complainant. Whereas, it is the case of complainant that the poison was administered when he moved out of the premises. Nature of the version of these witnesses and complainant creates doubt about

genuineness of the incident. On the same day prior to registration of F.I.R., complaint was lodged against complainant, which was registered as NC complaint. There is matrimonial dispute between complainant's sister and applicant No. 2. Police report indicates that investigation is in progress. Due to lack of cogent evidence, accused are not arrested. Mobile CDR and SDR location of accused is verified. Except applicant No.1 at the spot of incident, the location of other accused was not found at place of incident. On collection of evidence, provision is made to arrest accused. The CDR / location of applicant No. 1 is bound to be at the place since alleged incident had occurred in her house. In these circumstances, the applicants need not be subjected to custodial interrogation. Hence, I pass the following order.

ORDER

- (i) ABA No. 1248 of 2021 is allowed.
- (ii) Interim order dated 20th October 2021 is confirmed.
- (iii) In the event of arrest of the applicants in connection with Crime No.336 of 2021 registered with Ambajogai City Police Station, District Beed, the applicants be released on bail on executing P.R. bond in the sum of Rs. 20,000/- each, with one or more sureties in the like amount.
- (iv) The applicants shall report the Investigating Officer on 15.12.2021, 16.12.2021 and 17.12.2021 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called for, till filing of the charge-sheet.

- (v) ABA No. 1248 of 2021 and Criminal Application No.2791 of 2021 stand disposed of.

(PRAKASH D. NAIK, J.)

VD_Dhirde