

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1005 OF 2020

1. Vaibhav Vitthal Narsale	
2. Balaji @ Vishal Vitthal Narsale	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Ritesh Thobde, for the Applicant.

Smt. J. S. Lohokare, APP for the State/Respondent.

Mr. M. H. Gavahane, B.N.1369, Karkumbh Police Station, Dist.
Solapur Rural.

CORAM : SARANG V. KOTWAL, J.

DATE : 10th FEBRUARY, 2021

P.C. :

1. The applicants are seeking anticipatory bail in connection with C.R.No.313/2019 registered with Karkumbh Police Station, Dist. Solapur on 7th September 2020 under Sections 307, 341, 323, 427, 143, 147, 148, 504 and 506 of Indian Penal Code.

2. Heard Mr. Ritesh Thobde, learned Counsel for the Applicant and Smt. J. S. Lohokare, learned APP for the State.

3. The F.I.R is lodged by one Dashrath Narsale. He has

stated that he has dispute over a piece of land with one Vitthal Narsale and Nanasaheb Narsale. The informant had put up a wire compound around his land. On 6th September 2020, at about 8.10 a.m., aforesaid two persons along with the present applicants and other accused Rahul and Kiran came there. They removed the compound and they were damaging the trees in the field. The informant questioned them. All of them abused and started beating him. The informant's wife and other rushed there. In the meantime, the informant had fallen on ground. The applicant Vaibhav was instigating others to finish the informant. The accused Rahul and Kiran held his legs. Both the applicants held his hands. The accused Nanasaheb held his mouth and the accused Vitthal poured poison i.e. Amitraz Dip liquid in his mouth. In the mean time, the informant's other relatives came there to rescue him. He was taken to hospital. Initial treatment was given to him and thereafter, this F.I.R. was lodged.

4. Learned Counsel for the applicant submitted that there is a delay in lodging the F.I.R. The incident had occurred at around 8.00 a.m. on 6th September 2020 and the F.I.R. was lodged on 7th

September 2020 at about 8.15 p.m. He submitted that this F.I.R shows that it was lodged as an after thought to implicate all the accused. According to the learned Counsel for the applicant, both the applicants are students and they are taking education at a different place. They were in their village because of the Lockdown. The informant taking advantage of this situation has implicated all the family members of the present applicants. He submitted that the chargesheet against the other accused is already filed and therefore, custodial interrogation of the applicants is not necessary. The poison bottle is also recovered.

5. Learned APP opposed this application. She relied on the investigation papers. She submitted that statements of the first informant and other eye witnesses namely Bahusaheb is recorded under Section 164 of Cr.P.C. In those statements, the case in the F.I.R is corroborated.

6. I have considered these submissions, the medical papers of Akalai ICU & Multi-specialty Hospital shows that the informant was immediately admitted to that hospital on 6th September 2020. The history given was about forcible poisoning

by neighbours. Thus, there was immediate disclosure by the first informant. The provisional diagnosis was poisoning due to “Amitraz Poison”. Therefore, there is no force in the submission of the learned Counsel that there was delay in the lodging the F.I.R. The statements of the other eye witness Bhausahab has sufficiently corroborated the case in the First Informant Report. The bottle of the poison was at the spot which was picked up by one witness Dyaneshwar and it was produced before the police. Thus, there is a sufficient material with the Investigating Agency to show that the incident had indeed occurred as mentioned in the F.I.R. The role of the applicants is also mentioned. Therefore, considering the gravity of the offence, protection of anticipatory bail can not be given to the present applicants though they are students.

7. In this view of the matter, no case for any relief is made out.

8. The application is rejected.

(SARANG V. KOTWAL, J.)