

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (ABA) NO. 499 OF 2021

Changdeo Govind Banaet and others

...Versus...

State of Maharashtra, P.S.O., P.S. Balapur, Distt. Akola

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri S.S. Sohoni, Advocate for applicants
Shri. Anand M. Deshpande, A.P.P for non-applicant/State

CORAM : VINAY JOSHI, J.

DATE : 14/09/2021

Heard.

2. In anticipation of arrest in Crime No.351/2021, registered with Police Station Balapur, District – Akola for the offences punishable under Section 307 read with Section 34 of the Indian Penal Code, the applicants are claiming pre-arrest protection. The State has resisted bail by filing reply affidavit.

3. It is the prosecution case that applicant No.1 took hand loan from one of the villager in which the informant acted as a middle man. On the date of incident, the informant went to the applicants' house for demanding refund of hand loan on which applicant No.1 – Changdeo Govind Banaet and applicant No.3 – Kalpana Anil Banaet caught hold the informant's wrist and applicant No.2 – Anil Banaet forcibly administered insecticide.

4. Applicants have seriously disputed the occurrence itself by stating that it was not a case of poisoning at all. There was no reason for informant - middle man to raises monitory demand and the incident is improbable. It is submitted that already while carrying out spot panchanama police have seized bottle containing insecticide and therefore there is no necessity to have custodial interrogation.

5. Perused case papers and particularly discharge card. The clinical history is of nausea and vomiting. The medical officer is of the opinion that it was the case of poisoning. However there are no details about the treatment. There are no particulars whether Chemical Analyzer's opinion has been sought on the point of poisoning. Interim protection was granted to applicant Nos. 1 and 3 who have attended Police Station. The informant was discharged within five days from the Hospital. The applicant No.1 is an age old person whilst applicant No.3 is a lady. Liberty of the applicants' can be protected by directing them to facilitate the investigation. Having regard to all above circumstances following order:

ORDER

(i) Criminal application is allowed and disposed of.

(ii) The ad-interim order dated 10/08/2021, in favour of applicant Nos. 1 and 3, is hereby made absolute on the same terms and conditions.

(iii) In the event of arrest of applicant No.2 – Anil Changdeo Banaet, in connection with Crime No.351/2021 registered with the non-applicant Balapur Police Station, District Akola for the offence punishable under Sections 307 read with Section 34 of the Indian Penal Code, he be released on bail on his executing P.R. Bond in the sum of Rs.25,000/-, with one surety in the like amount.

(iv) All applicants shall attend the concerned Police Station on every Sunday in between 11.00 a.m. to 2.00 p.m. till filing of the charge-sheet or for the period of six months from today whichever is earlier.

JUDGE