

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

**ANTICIPATORY BAIL APPLICATION NO.97 OF 2022**

VIJAY S/O JAGDISH BARANDWAL  
VERSUS  
THE STATE OF MAHARASHTRA

...  
Mr. M. B. Sandanshiv, Advocate for applicant.  
Mr. N. T. Bhagat, APP for the respondent – State.  
...

**CORAM : SMT. VIBHA KANKANWADI, J.**

**DATE : 25.01.2022**

**ORDER :-**

. The applicant is apprehending his arrest in connection with Crime No.318 of 2021 registered with Vedant Nagar Police Station, Dist. Aurangabad for the offences punishable under Sections 307, 324, 323, 504, 506 read with Section 34 of Indian Penal Code.

2. Heard learned Advocate Mr. M. B. Sandanshiv for the applicant and learned APP Mr. N. T. Bhagat for the respondent – State.

3. It has been vehemently submitted on behalf of applicant that applicant is the husband of informant. Their marriage took place on 11.02.2017, however, differences arose. Informant states that she left the house of the applicant on 04.02.2019. They have daughter aged 3.

She has already lodged three First Information Reports against the applicant as well as his family members. This is fourth attempt and it could be seen that it has been filed with ulterior motive. In the present complaint, she alleges that the incident had taken place on 21.12.2021 at about 10.00 a.m., however, offence has been registered on 25.12.2021. There is apparent delay in lodging the report. In connection with this offence itself, co-accused have been released on anticipatory bail by the learned Additional Sessions Judge, however, the application in respect of the present applicant came to be rejected. In fact, the place where the alleged offence is stated to have taken place is surrounded by CCTV, of which photographs have been produced. Police can take the CCTV footage and would come to know that whatever the informant is saying is false. The FIR further states that the informant and her elder sister alleged to have gone to meet sister's husband at the relevant time. However, the sister's mother-in-law has filed FIR against the sister as well as made complaint application against the sister as well as the other persons alleging that they had tried to evict her and, in fact, those persons had tried to kill Latabai Katare, but she was saved by the present applicant. When that Latabai Katare's complaint was not properly taken by the police, she lodged private complaint before Chief Judicial Magistrate, Aurangabad. This shows that the family relationship

have become worse and there is every chance of false implication. The applicant has not committed any offence as alleged in the FIR and, therefore, he needs to be protected.

4. Per contra, the learned APP strongly opposes the application for grant of interim relief also on the ground that in the FIR itself, the informant has stated that she was admitted between 21.12.2021 to 24.12.2021 at Ghati Hospital, Aurangabad and after taking treatment, she went to police station to lodge the report on 25.12.2021. As regards the role of the applicant is concerned, it is stated that he has used knife and stabbed the informant. This has been done just with intention to kill and, therefore, taking into consideration the seriousness of the offence, the applicant does not deserve any protection. Learned APP also submitted that he is yet to receive the papers and it appears that the investigation is still in progress.

5. It is to be noted that the FIR has been lodged on 25.12.2021 in respect of the incident that had allegedly taken place on 21.12.2021. Informant is the wife of present applicant. She states that she along with her sister had gone to meet sister's husband, but on the way, she obstructed by mother-in-law. They were asked to go in a gully by husband of the sister and when they went in the adjoining gully, they

could find the present applicant and co-accused persons present there. The accused persons started picking quarrel with the informant as to why, she has lodged reports against them. Mother-in-law and brother-in-law were instigating husband i.e. present applicant that now the informant should be killed. Then applicant went inside the house and brought the knife and stabbed it in the stomach of the informant. Informant was rescued by her brothers and grandmother, who were also beaten by the accused persons. She took treatment till 24.12.2021 and after her discharge from Ghati Hospital, she has lodged the report. Definitely, the incident requires investigation. No doubt, earlier also since 04.02.2019 it appears that the informant has lodged reports against the applicant and family members, however, it is not continuous. Therefore, we cannot arrive at a conclusion that this is an attempt to falsely implicate the applicant. Latabai Katare's complaint against the sister of informant would show that she has used name of informant as Komal Battade who is stated to be the sister, but name of the informant is Komal Vijay Barandwal and not Komal Battade. Even if we consider that it was against the informant, it is in respect of the incident which is alleged to have taken place on 05.12.2019 with which we are not concerned. As regards the suggestion of the accused that CCTV's are installed nearby the spot, definitely, that point can be considered by the

investigating officer to collect the evidence, however, merely because, at this stage, it is not collected, that will not give any kind of advantage to the applicant. The allegations against the applicant are that he has stabbed his own wife and, therefore, he does not deserve any kind of protection at this stage itself. The application deserves to be rejected. Accordingly, it is rejected.

**[SMT. VIBHA KANKANWADI, J.]**

scm