

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

927 ANTICIPATORY BAIL APPLICATION NO.1042 OF 2022

GOVIND GULABRAO GHIGE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Shekade Shashikant E.
APP for Respondent-State : Ms. V. S. Choudhari.
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CORAM : S. G. MEHARE, J.
DATE : 26.08.2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. The wife has alleged that the present applicant-husband pushed her into the well and then threw a big stone on her person from the above. However, there was low water level in the well, hence, he did not sink. However, the people residing around there, took her away. She has sustained the injuries.
3. The learned counsel for the applicant would submit that due to trifle quarrel in the family, the complainant went running towards the well and jumped into the well. She has made false allegation that the applicant has pushed her into the well. Since there were stones in the well, she has suffered

the injuries. The prosecution has not examined the best witnesses, the children, who were allegedly present on the spot of the incident. There are also other witnesses, who supports the applicant's case that the victim herself jumped into the well. Therefore, he may be protected.

4. Learned APP has vehemently opposed the application contending that the complainant has suffered fracture injuries. There were no eye witnesses to the incident. However, the Investigating Officer did not examine children to whom the applicant has allegedly beaten and abused. Therefore, the application deserves to be dismissed.

5. Perused the investigation papers. There are witnesses consistently stating that the complainant herself jumped into the well. She has sustained the injuries. She was taken away by the nearby people. The prosecution has not examined the best witnesses i.e. children. There is a contra evidence against the statement of the complainant. In the circumstances, benefit should go to the applicant. There is nothing to be recovered from the applicant. Hence, the following order :

ORDER

- (i) The application is allowed.

- (ii) In the event of arrest, the applicant GOVIND GULABRAO GHIGE, be released on bail on furnishing P.B. and S.B. of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount in Crime No.108 of 2022, registered with Police Station Beed Rural, District Beed for the offences punishable under Sections 307, 338, 323 of the IPC, on the conditions that he shall attend the Police Station as and when called by the Investigating Officer, he shall not tamper with the prosecution witnesses.

(S. G. MEHARE, J.)

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vmk/-