

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1555 OF 2021

SANJAY S/O UTTAM JADHAV AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA

.....

Advocate for Applicants : Mr. V. B. Kulkarni

APP for Respondent-State : Mr. V. M. Kagne

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CORAM : SMT.VIBHA KANKANWADI, J.

**Date of Reserving The Order :
31-01-2022**

**Date of Pronouncing The Order :
23-02-2022**

PER COURT :

1. Present applicants are apprehending their arrest in connection with Crime No.510 of 2021, registered with Taluka Jalna Police Station, District Jalna, for the offences punishable under Section 307, 323, 504, 506 r.w.34 of IPC.
2. Heard learned Advocate Mr. V. B. Kulkarni for applicants and learned APP MR. V. M. Kagne for respondent-State.

3. It has been vehemently submitted on behalf of the applicants that they are the parents-in-law of the informant. They are innocent. They are the agriculturists. Informant got married to their son Ravindra on 21-03-2016. The couple has two girls and one boy. The last one is stated to be recently born about 2 ½ months prior to the FIR. Ravindra used to do labour work. According to the applicants, the informant was insisting that she would go to her parents house, however, the applicants told that she should wait for the return of her husband from work and then they both may go. But the informant suddenly got angry, and according to them, she had consumed pesticide and tried to commit suicide. The applicants had immediately shifted her to the Krushna Hospital at Jalna. With some motive it appears that the informant has given wrong statement to the police. All the expenses have been borne by the applicants. They have been falsely implicated. The informant after discharge from the hospital, went in anger to her parents house without taking any of her children. Even the girl who is 2 ½ months old is looked after by the present applicants. The custodial interrogation of the applicants is not necessary. They are ready to abide by the terms of the bail.

4. Per contra, the learned APP strongly opposed the application and submitted that as per the FIR, the applicants as well as the husband of

the informant quarreled with her on the count that as to why she is not going for labour work. Though she tried to convince them that she has recovered from the delivery and she is unable to do the work, yet the applicants abused her, and thereafter, her husband went inside and brought the pesticide. Her hands and legs were caught hold of by the applicants and then her husband had administered the poison. Statements of witnesses have been recorded and also the medical papers from Krushna Hospital have been collected. The custodial interrogation of the applicants is necessary in view of the seriousness of the offence.

5. At the outset, the contents of the FIR have been already narrated, they are not reproduced again. Those contents would show that informant has not stated when her marriage took place, how many issues are there. She speaks about the last issue. Taking into consideration the photographs that has been produced on record, showing that there are three issues to the informant. Informant is not saying that at any earlier point of time there was any kind of harassment by the present applicants and her husband. It appears that whatever had taken place on that day, was due to the sudden quarrel. The role attributed to the present applicants is that they had caught hold of her hands and legs. The allegation about administration of

poisonous substance is to the husband. Another fact to be noted is that the applicants have produced on record the receipts about incurring expenditure on the treatment of the informant. The police papers would show that the pesticide bottle has been recovered from the house of the applicants. Medical papers support the statement that, and informant does not dispute that, she was admitted to hospital for treatment in respect of consumption of poisonous substance. The only fact is that according to informant it was administered. The certificate issued by the hospital on 15-11-2021 specifically states that when the informant was admitted to their hospital, there was no signs of injury or violence on her person. Statements of certain witnesses could show that the information they had received was that the informant had consumed the pesticide, but definitely they are saying that they had received that information from one or the other accused. Now as regards the present applicants are concerned, nothing is required to be recovered from them. There appears to be substance in the statement of the applicants that the informant has left the hospital and went to the house of her parents without taking her children, though children appear to be very small and the last one is only 2 ½ months old. In view of above, the application deserves to be allowed. Hence, following order.

ORDER

- 1) Application is hereby allowed.
- 2) In the event of arrest of the applicants Sanjay s/o Uttam Jadhav and Anita w/o Sanjay Jadhav, in connection with Crime No.510 of 2021, registered with Taluka Jalna Police Station, District Jalna, for the offences punishable under Section 307, 323, 504, 506 r.w.34 of IPC, they be released on PR of Rs.30,000/- each (thirty thousand) with two solvent sureties of Rs.15,000/- each (fifteen thousand).
- 3) They shall not tamper with the evidence of the prosecution and shall not commit any offence.
- 4) Applicant No.1 Sanjay Uttam Jadhav shall attend the Taluka Jalna Police Station, District Jalna, in between 10 a.m. to 02.00 p.m. on every Monday till filing of charge-sheet.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.