

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

944 BAIL APPLICATION NO.1733 OF 2021

1. Anil Dagduji Wankhade
Age: 40 years, Occu.: Service,
2. Ashok Dagduji Wankhade
Age: 35 years, Occu.: Service,
3. Gayabai Dagduji Wankhade
Age: 70 years, Occu.: Household,
All resident of Jai Bhim Nagar Town Hall
Sports, District Aurangabad. ..Applicants

VERSUS

- . The State of Maharashtra
Through Police Inspector,
Begumpura Police Station, Aurangabad. ..Respondent

...
Advocate for Applicants : Shri Gaurav L. Deshpande
APP for Respondent : Shri V.S.Badakh
...

CORAM : M.G.SEWLIKAR, J.

DATE: 7th January, 2022

PER COURT :-

1. This application is filed by the applicants for releasing them on bail in connection with Crime No.408 of 2021, registered with Begumpura Police Station, District Aurangabad, under Sections 498-A, 307, 504, 506 read with Section 34 of the Indian Penal Code.

2. Case of the prosecution is that informant is the wife of the applicant No.1. It is alleged that on 15th September, 2021 at 01:00 p.m. all the applicants caught-hold of the informant and tried to administer her Phenol. On hearing her shouts, her brother and sister came there. Applicants had tried to administer Phenol to her. She went to the Police Station with her brother and lodged the report on the basis of which crime under the aforesaid Sections came to be registered.

3. I have heard Shri G.L.Deshpande, learned counsel for the applicant and Shri V.S.Badakh, learned APP for the respondent-State.

4. Charge-sheet is filed. On perusal of the charge-sheet, it is seen that on 15th September, 2021 at 01:00 p.m., the informant was produced by the Police before the Medical Officer in Civil Hospital, Aurangabad. Doctors recorded her history as narrated by her. She stated history as consumption of Phenol compound at home at around 11:00 a.m. She did not register any complaint against anyone. On the same day at 03:00 p.m., medical case papers show that the case history was recorded as homicidal consumption of Phenol by mother-in-law with the help of husband and brother-in-law. Thus, these two entries are in-

consistent with each other. First entry dated 15th September, 2021 at 01:00 p.m. shows that she had consumed Phenol and no one was responsible for it. At 03:00 p.m. she tells a different story. It shows that she was administered Phenol by mother-in-law, husband and brother-in-law. She was admitted only for two days. There is no cogent evidence to indicate that Phenol was administered to the informant. Opinion of Medical Officer shows that the intake of Phenol was minimal.

5. Learned APP, on making a query, states that condition of the injured is stable. She has been discharged from the hospital and no complications are reported. Charge-sheet is filed. There is no likelihood of commencement of trial in near future. Applicants have no criminal antecedents. They are available for trial. No extraordinary circumstance is brought on record to deny bail to the applicants. Considering the pandemic situation which is day by day worsening, I am inclined to release the applicants on bail. Hence, the order.

ORDER

- i) Bail Application is allowed.
- ii) Each of the Applicants be released on P.R.Bond of Rs.15,000/- (Rs.Fifteen Thousand only) with one solvent surety in the like amount, in connection with Crime No.408 of 2021, registered with Begumpura Police Station, District Aurangabad, under Sections 498-A, 307, 504, 506 read with Section 34 of the Indian Penal Code.

iii) Bail Application is disposed of.

iv) It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

**(M.G.SEWLIKAR)
JUDGE**

SPT