

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

Anticipatory Bail Application No. 42 of 2022

Pawansingh S/o Ranvirsingh Rajput and others

Versus

State of Maharashtra, through the Police Station Officer, Police Station
Khamgaon (City), Tah. Khamgaon, Dist. Buldhana

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

Court's or Judge's Order

Shri N.B. Kalwaghe, Advocate for the applicant.

Ms. T.H. Udeshi, APP for the non-applicant/State.

Shri S.A.Motha, Advocate for the intervenor/
complainant.

CORAM : ANIL S. KILOR, J.

DATED : 25th FEBRUARY, 2022.

On a complaint lodged by one Shubhnagi W/o Pawansingh Rajput alleging that the applicants have ill-treated her mentally and physically and on the date of incident i.e. 23rd November, 2021, the applicants tried to set her on fire by pouring petrol on the person of the complainant.

2. Thereupon, the Crime No.906 of 2021 was registered with the police station Khamgaon (City), Tah. Khamgaon, Dist. Buldhana against the applicants for

the offences punishable under Sections 307, 323, 498-A read with Section 34 of Indian Penal Code.

3. Learned counsel for the applicants submits that the complaint was lodged by the complainant out of matrimonial discord and no incident as alleged by the complainant had taken place on 23rd November, 2021. It is submitted that the applicants were falsely implicated in the alleged offence.

4. On the other hand, learned Additional Public Prosecutor strongly opposed the application and submits that serious allegations are there against the applicants and the offence was also registered under Section 307 of Indian Penal Code.

5. Shri Mohta, learned counsel appearing for the complainant who sought permission to assist the prosecution, has submitted that the allegations made in the First Information Report are serious, as there is *prima facie* material available on record, this Court may not allow the present application.

6. On perusal of the case diary which is made available by the learned Additional Public Prosecutor and more particularly looking the spot panchanama, I am of the opinion that no *prima facie* case is made out

to attract the offence under Section 307 of the Indian Penal Code.

7. In that view of the matter, the application is allowed qua applicant nos. 2 and 3.

8. The order dated 21st January, 2022 is confirmed.

9. In the event of arrest of the applicant no.1, in connection with Crime No. 906 of 2021 registered with Police Station Khamgaon (City), Dist. Buldhana for the offence punishable under Sections 307, 323, 498-A read with Section 34 of the Indian Penal code, they be released on furnishing P.R.Bond of Rs.15,000/- each with one surety in the like amount.

10. The applicants shall attend the concern police station as and when their presence is required.

[ANIL S. KILOR, J.]

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