

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

CRIMINAL APPLICATION (ABA) NO.165 OF 2022

Vitthal Pralhadrao Ingole

Versus

State of Maharashtra, through P.S.O. Rajapeth, Amravati, Tq. & Dist. Amravati

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

Court's or Judge's Order

Shri S.B. Gandhe, Advocate for the applicant.

Shri V.A. Thakare, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 30/03/2022

1. The applicant is seeking pre-arrest bail in Crime No.164 of 2022, dated 28.02.2022, registered with Police Station Rajapeth, District Amravati (City), for the offences punishable under Sections 307 and 34 of the Indian Penal Code.

2. It is alleged in the First Information Report (FIR) that out of a dispute of an immovable property that is regarding the sale of agricultural land, a quarrel took place and the accused forcefully administered the poison to the complainant.

3. Shri Gandhe, learned counsel for the applicant submits that the dispute is relating to an agricultural land. He further submits that the matter has already been settled between the complainant and the applicant and the custody of the applicant is not necessary.

4. On the other hand, Shri V.A. Thakare, learned APP opposes the application and submits that the bottle of poison has been recovered from the spot and there is incriminating material available against the applicant.

5. I have perused the Case Diary and the FIR.

6. The affidavit of the complainant filed on record shows that the dispute has been dissolved and the matter has been settled between the applicant and the complainant.

7. The medical report *prima facie* does not corroborate the allegation that the applicant was forcibly administered poison to the complainant.

8. In the circumstances, I am of the opinion that the applicant is entitled for grant of pre-arrest bail. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) Order passed by this Court on 16.03.2022, granting *ad-interim* anticipatory bail, is confirmed with modification that the applicant shall attend the concerned Police Station as and when his presence is required.

The criminal application is **disposed of** accordingly.

[ANIL S. KILOR, J.]