

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

**CRIMINAL APPLICATION (ABA) NO.555 OF 2022**

Suraj s/o Tejrao Daberao and another.

**Versus**

State of Maharashtra, through P.S.O., P.S.Balapur, Tq. Balapur, Dist. Akola

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

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Court's or Judge's Order

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Shri D.P. Dapurkar, Advocate for the applicants.

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

**CORAM : ANIL S. KILOR, J.**

**DATED : 01/08/2022**

1. The applicants are seeking pre-arrest bail in connection Crime No. 319 of 2022, registered with Police Station Officer, P.S. Balapur, District Akola, for the offences punishable under Sections 307, 498A, 34 of the Indian Penal Code.

2. Learned counsel for the applicant states that the applicant have been falsely implicated in the alleged offence.

3. It is pointed out that, the complainant on her own, consumed some poisonous substance and to falsely implicated the applicants in the alleged offence, it has been alleged that the applicant no.1 caught hold the hands of the complainant and the applicant No.2 forcefully administered the poisonous substance, to her.

4. It is pointed out that applicant was released from hospital immediately of next date. Accordingly, he submits that the custodial interrogation of the applicants is not necessary. Accordingly, he prays for grant of pre-arrest bail.

5. On the other hand, learned APP strongly opposed the present application.

6. I have perused the Case-diary and the FIR.

7. On going through the case-diary, it appears that *prima facie*, the medical documents do not support the case of the prosecution particularly, the allegations that the applicant No.1, who is the husband of the complainant caught hold the hand of the complainant and the applicant No.2, who is the mother-in-law of the complainant, administered the poisonous substance forcibly to the complainant.

8. Further statements of the witnesses, some of whom are the independent witnesses, also do not support the said story.

9. Thus, considering the character of evidence, collected by the Investigating Officer, I am of the opinion that, the possibility of false implication cannot be ruled out, thus, custodial interrogation of the applicant is not necessary. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.

- b) In the event of arrest of the applicant in Crime No.319 of 2022, registered with Police Station Balapur, District: Akola, for the offences punishable under Sections 307, 498-A, 34 of the Indian Penal Code, the applicants shall be released on bail on furnishing P.R. Bond of Rs.15,000/- each with one solvent surety each of the applicants.
- c) The applicants shall attend the concerned Police Station as and when their presence is required.
- d) The applicants shall not tamper with the prosecution witnesses.

[ANIL S. KILOR, J.]