

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

CRIMINAL APPLICATION (ABA) NO. 795 OF 2021

Ramsing s/o Rupsing Rathod
..vs..
State of Maharashtra, thr. P.S.O.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.R. Vyas, Advocate for applicant.
Shri S.D. Sirpurkar, A.P.P. for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATED : 07/01/2022

Heard.

2. In apprehension of arrest in Crime No.354 of 2021 registered with the Aasegaon Police Station District Washim for the offence punishable under Sections 307, 452, 143, 147, 149, 323, 504, 506 of the Indian Penal Code, the applicant has prayed for pre-arrest protection.

3. The bail is claimed on the ground of innocence, false implication and inadequacy of material. Learned Counsel for the applicant would submit that there is inordinate delay in lodgment of First Information report and thus, there are high chances of concoction. The State resisted bail by filing affidavit-in-reply. The contents of First Information Report have been narrated in brief. It is stated that the applicant took active part in the occurrence, hence he is not entitled for protection.

4. Perusal of First Information Report discloses that there was a property dispute in between two wives of deceased Ramesh Chavhan. On 18.10.2021 there was a quarrel in between two wives, in which first wife Kusum along with her son and daughter-in-law have forcibly administered poison to the informant, who is second wife. The allegation against the applicant is that he being a neighbor had also participated in quarrel and facilitated Kusum and her son in the act of administering poison.

5. Admittedly, the applicant is no way concern with the dispute since he is merely a neighbor. There appears to be substance in the submission that the incident as narrated specifying detailed role of each culprit, is improbable. According to the applicant, since he took side of second wife in quarrel, has been falsely implicated. It reveals from the First Information Report that on 25.10.2021, the informant was discharged from the Hospital, however, for next one week she did not lodge the report. Nothing is to be seized at the instance of the applicant. Having regard to this fact, applicant's liberty can be protected, hence the following order :

(a) Criminal Application stands allowed and disposed of.

(b) Ad-interim order dated 24.11.2021 is hereby made absolute upon same terms and conditions.

- (c) Henceforth, the applicant shall continue to attend concerned Police Station as and when called.
- (d) The applicants/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

JUDGE

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