

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.99 OF 2023

Gajanan Kishan Mundhe And Others ...Applicants

Versus

The State Of Maharashtra And Another ...Respondents

Mr. D.M. Shinde, Advocate for the applicants.

Mr. A.V. Deshmukh, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 3rd FEBRUARY, 2023

ORDER :

1. The applicants apprehend arrest in Crime No. 247 of 2022, registered with Basamba Police Station, Hingoli for offences punishable under sections 328, 498-A, 323, 506 read with 34 of the Indian Penal Code.

2. FIR is lodged by Sangita Mundhe, wife of applicant No. 1 and daughter-in-law of applicants No. 2 and 3, alleging that her marriage with applicant No. 1 was performed before 26 years and applicants were ill treating her as she was not conceiving. On 27.08.2022, at about 7.45 pm to 8.00 pm, applicants No. 2 and 3 caught hold of her hands and legs and

applicant No. 1 administered some poisonous substance to her, because of which she started omitting. She was admitted in Civil Hospital, Hingoli, by her brother.

3. Heard the learned advocate for the applicant and learned Additional Public Prosecutor for respondents. Perused the investigation papers.

4. Except the statement of informant that she was forcibly administered poisonous substance, there is no material on record to support her contention. In CA report of stomach wash of informant no poisonous substance was detected.

5. Prima facie, the contention of the applicants that it is difficult to accept that after 26 years of marriage informant was being ill treated on account of not conceiving is acceptable. It is further case of the applicants that applicant No. 1 and informant were residing at Aurangabad and during lockdown they returned back to their native place, which was not liked by the informant, hence she implicated the applicants in the present case, this appears to be probable. The investigation officer has not recovered anything from the spot of incident i.e. house of the applicants.

6. In the facts of the present case, pre-trial custodial detention of the applicants is not necessary. The application is therefore allowed.

7. In the event of arrest of applicants in connection with Crime No. Crime No. 247 of 2022, registered with Basamba Police Station, Hingoli for offences punishable under sections 328, 498-A, 323, 506 read with 34 of the Indian Penal Code, the applicants shall be released on executing personal bond of Rs. 15,000/- each with one surety each in the like amount.

8. Till filing of charge sheet, applicants shall attend the concerned police station as and when called by the investigation officer and shall co-operate in the investigation. The applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]