

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 222 OF 2023

Varsha Jagannath Darandale

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....

Mr. S.N. Pahune Patil, Advocate for applicant
Mr. G.O. Wattamwar, A.P.P. for respondents
Mr. A.B. Jagtap, Advocate for informant

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**CORAM : R.G. AVACHAT, J.
DATE : 08th MARCH, 2023**

PER COURT :

1. This is an application under Section 438 of Code of Criminal Procedure. The applicant claims to have an apprehension of being arrested in connection with Crime No. 13 of 2023 registered with Sonai Police Station, Dist. Ahmednagar for the offences punishable under Sections 307, 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code.

2. Heard. Perused First Information Report ("F.I.R.") and related police papers.

3. F.I.R. has been lodged by Mukta Darandale, co-sister of the applicant herein. It has been alleged in the F.I.R. that it was the informant's

second marriage. Since day one of her marriage, the applicant, informant's husband and other in-laws ill-treated the informant for one or the other reason. The Court is concerned with the incident dated 05th January, 2023. It is reiterated that by 12:00 noon, the applicant, informant's husband, her brother-in-law and other family members picked up a quarrel with the informant. The informant was beaten up by all of them. All of them had asked her to fetch money from her parents. When the informant refused to go her parental house, her husband (co-accused) asked the applicant herein to fetch some poison from the inner room of the house. The applicant accordingly fetched some poisonous substance. The informant's husband, her brother-in-law and nephew caught hold of the informant so as to facilitate the applicant to administer her poison. Accordingly, the applicant administered the informant poisonous substance. It has also been alleged in the F.I.R. that the informant rescued herself from the clutches of the applicant and co-accused. She however, suffered and therefore her husband admitted her to the hospital.

4. Learned A.P.P. would submit that the role played by the present applicant in the offence in question is major one. The role of those, who have been granted anticipatory bail, could not be equated with that of the applicant. The husband, while admitting the informant to the hospital, gave history of vomiting. Stomach wash was given. The C.A. report is awaited.

Both, the learned A.P.P. and learned counsel for the intervenor placed on record report relating to non-cognizable offence lodged by the informant against the applicant herein. The informant suspects the applicant to have illicit relationship with her husband.

5. The record indicates that all is not well between the applicant and the informant. The incident took place on 05th January, while it has been reported to the police eleven days thereafter. The co-accused viz. husband of the informant, his brother and even nephew, who have played equal role i.e. they are alleged to have caught hold of her so as to facilitate the present applicant to administer her poisonous substance, have been granted anticipatory bail by the Sessions Court. The State has not taken exception to the said order. Learned counsel for the applicant brought to the notice of this Court a copy of the plaint of a suit filed by the informant against her husband asking for a share in the family property.

6. Since the incident has been reported to the police after eleven days and the similarly placed co-accused have been granted anticipatory bail, the applicant is entitled for the same relief. The applicant is a woman. On the ground of parity as well, the applicant is entitled for grant of anticipatory bail. Hence, the following order :-

ORDER

(I) Application is allowed.

(II) In the event of arrest of the applicant, in connection with Crime No. 13 of 2023 registered with Sonai Police Station, Dist. Ahmednagar for the offences punishable under Sections 307, 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, the applicant be released on executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety in the like amount.

(III) The applicant shall appear before the investigating officer, as and when required for the investigating purpose.

(IV) The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD