

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.234 OF 2023

Avinash Ramrao Patil & anr. ... APPLICANTS

VERSUS

The State of Maharashtra & anr. ... RESPONDENTS

.....
Mr. N.L. Chaudhari, Advocate for applicants
Mr. K.N. Lokhande, A.P.P. for respondents
.....

CORAM : R.G. AVACHAT, J.

DATE : 6th APRIL, 2023

PER COURT :

Heard. The F.I.R. has been lodged by the victim herself on 9/11/2022. It is her case that, on 5/11/2022, the applicant and co-accused picked up quarrel with her. All of them caught hold of her and administered her poisonous substance. She was, therefore, rushed to the hospital. Just some time before the said incident a quarrel had taken place in relation to which her father had reached to the police station to lodge the report. Having been annoyed therewith, the applicant and co-accused again entered her house and alleged to have administered poisonous substance. The medical papers of the

informant have been placed on record. There is nothing to suggest that she was unconscious to make a statement immediately on her admission to the hospital or even thereafter. There is 5 days delay in lodging of the F.I.R.

2. The victim has been discharged from the hospital and meaning thereby, she is now Ok. Similarly placed co-accused, though female, have been granted anticipatory bail. There is history of quarrel between the two families. On the same incident, Vaishali, one of the accused, lodged F.I.R. against the informant and her family members. The learned counsel for the applicant therefore contends that, just with a view to give a counterblast, a false case has been lodged. The same may not be correct, because the medical papers indicate that the informant was rushed to the hospital and she was admitted therein for 5 days. Now the victim is out of danger. She has been discharged from the hospital.

3. Similarly placed co-accused have been granted protection. There is history of quarrel between the two families. Considering the nature of offence, custodial interrogation of the applicants appears to be unwarranted. The applicants have already been protected vide order dated 1/3/2023. The same is,

therefore, made absolute. The application is allowed.

4. The applicant shall not tamper with the prosecution evidence and shall appear before the investigating officer as and when required for the purpose of investigation.

(R.G. AVACHAT, J.)

fmp/-