

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

**ANTICIPATORY BAIL APPLICATION NO.358 OF 2023
WITH APPLN/1244/2023 IN ABA/358/2023**

**SATISH NAVNATH GADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA**

Mr. M. V. Salunke, Advocate for the applicants
Mrs. R. P. Gaur, APP for the respondent/State

**CORAM : R. M. JOSHI, J.
DATE : 19th JUNE, 2023**

P.C. :-

1. At the outset this Court records that though Criminal Application No. 1244/2023 was filed by the informant for intervention, however none appeared for her last two dates of hearing. This indicates that the informant has no interest in pressing the said application. Hence the Application No. 1244/2023 stands dismissed.

2. Applicants apprehend arrest in connection with C.R. No. 26 of 2023 registered with Talwada Police Station, Tal. Georai, dist. Beed for the offences punishable under Sections 307, 504, 506 read with Section 34 of the Indian Penal Code.

3. Informant is wife of applicant No.1 and daughter-in-law of applicant No.3. She alleged that on 30/01/2023 an incident occurred in which she was administered poisonous substance by the applicant and

her father-in-law. It is alleged that father-in-law and husband caught hold of her and applicant No.3 forced her to consume the poisonous substance. She was taken to hospital and was treated. FIR came to be lodged on 3rd February, 2023.

4. Learned counsel for the applicant states that there are disputes between husband and wife and owing to the said disputes the possibility of false implication cannot be ruled out. According to him there is delay in lodging the FIR. He further submitted that in fact the applicant No. 1 was administered poison by wife and her relatives and he was admitted in the District Hospital, Beed and was discharged on 8th February, 2023. It is submitted that it could be a case of false implication of applicants.

5. Learned APP opposed the application with the submissions that statements of the informant and her father recorded under Section 164 of the Cr.P.C. are inconsonance with the first information report. It is also submitted that there are documents on record to indicate the admission of the informant in the hospital. According to her having regard to be serious nature of offence it is not a fit case to grant anticipatory bail to the applicant.

6. *Prima facie* perusal of the investigation papers revealed that the history recorded by the Medical Officer while admitting wife of

applicant No.1 in the hospital shows that it is a case of consumption of unknown poison. Similar is the history recorded in the medical papers of applicant No.1. Apparently there are dispute husband and wife and in this regard the offence under Section 498A has also seems to have been registered against the applicants. Having regard to the facts as their appearing for the investigation papers, it could be case of self consumption of poison by applicant No.1 as well as his wife. Reasonable doubt is created about any one administering poisonous substance to the informant.

7. Learned APP has also opposed the application with a submissions that two offences are registered against applicant No.1. Perusal of the report in this regard shows that one offence is registered by the wife and applicant No.1 under Section 498A of IPC and second offence registered against him is of year 2016. In view of this Court therefore it cannot become a ground for rejection of bail.

8. Having regard to the aforesaid facts it is a fit case wherein the liberty of the applicants deserves to be protected. Hence the application is allowed in terms of interim order dated 15th March, 2023. Pending applications, if any, disposed of.

(R. M. JOSHI, J.)

ssp