

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

943 ANTICIPATORY BAIL APPLICATION NO.658 OF 2023

SANDESH MAROTI ITBARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...
AND

ANTICIPATORY BAIL APPLICATION NO.498 OF 2023

SHREYASH MAROTI ITBARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...
In both the matters :

Advocate for Applicant : Mr. Bharat N. Gadegaonkar
APP for Respondent – State : Mr. S.P. Sonpawale
...

CORAM : R. M. JOSHI, J.
DATE : JULY 19, 2023

PER COURT :

. Applicants are apprehending arrest in connection with Crime No.77 of 2023 registered with Bhagyanagar Police Station, Dist. Nanded for the offences punishable under Sections 307, 498-A, 324, 323, 504, 506 r/w. 34 of the Indian Penal Code.

2. Informant is wife of applicant – Sandesh in ABA No.658

of 2023 and sister-in-law of applicant Shreyash in ABA No.498 of 2023. It is alleged that after performance of marriage of informant with applicant – Sandesh on 21.01.2022 there were disputes between the parties over the demand of dowry. It is alleged that on 23.02.2023 at around 09:00 p.m. her husband - Sandesh entered the bed room and slapped her. She therefore ran to the hall of the house. At that time, the other accused assaulted her and her husband poured petrol on her person. At the relevant time, her brothers came and rescued her. There is allegation that one of the brothers of the informant was assaulted with rod on his head.

3. Learned counsel for applicants states that considering the strained relationship between husband and wife, the possibility of false implication of applicants cannot be ruled out. It is argued that the incident in question has occurred on 23.02.2023, whereas the report is lodged on 25.02.2023.

4. Learned APP opposed application by contending that statement of informant gets support from statements of her brothers. He drew attention of this Court to the Injury Certificate placed on

record which according to him suggests that it is the case of assault by applicants and co-accused on informant and her brothers.

5. Learned APP further states that considering the fact that petrol was poured on person of informant and she was attempted to set ablaze, it is case for offence under Section 307 of the Indian Penal Code.

6. FIR itself clearly indicates that there are disputes between informant and in-laws. In the light of this, one needs to see as to whether there is *prima facie* substance in allegations made by informant in respect of applicants attempting to set her on ablaze by pouring petrol on her person. In this regard, perusal of seizure panchanama of clothes of informant does not show that clothes were smeared with petrol. This fact clearly shows that it could be a case of utter false implication of applicants in the crime.

7. Pertinently in the incident in question neither informant nor her brothers have sustained any serious injury. Admittedly, second brother who was also present at the spot has not sustained

any injury. In such circumstances, it does not stand to any reason as to why no immediate FIR was lodged.

8. Considering the dispute between the parties, false implication of applicants in crime in question cannot be ruled out. In the circumstances, following order is passed.

ORDER

(i) Both applications are allowed in terms of interim relief dated 11.04.2023 and 28.04.2023 granted in Anticipatory Bail Application Nos. 498 of 2023 and 658 of 2023 respectively.

[R. M. JOSHI]
JUDGE

GGP