

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

ANTICIPATORY BAIL APPLICATION NO.732 OF 2023
WITH ABA/763/2023 WITH APPLN/1882/2023 IN ABA/763/2023

KOMAL @ SONI W/O. VISHAL CHANDNE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant in ABA/732/2023:Mr. A. L. Kanade
Advocate for Applicant in ABA/963/2023 : Mr. G.K.Naik
Thigle

APP for Respondents: Mrs. G. L. Deshpande

...

CORAM : R.M. JOSHI, J

DATE : JUNE 20, 2023

PER COURT :

1. Applicants are apprehending arrest in connection with Crime No. 93/2023 registered with Peth Beed Police Station, Beed for the offences punishable under Sections 307, 327, 452, 504, 506 read with Section 34 of the Indian Penal Code.

2. On 21.04.2023 informant gave report to the police by stating that on 17.04.2023 at around 11.00 am present Applicants and co-accused came in her house and administered poisonous substance. At that time, present Applicants caught hold of her hands and her hair and co-accused Sundar administered the said substance.

There is allegation that Kishor snatched her necklace and thereafter all accused went away. She came out of the house and raised shouts and was admitted in the hospital.

3. Learned Counsels for the Applicants states that there is delay in lodging FIR which creates reason for false implication. It is also argued that on 17.04.2023 an offence came to be registered against husband of the informant and hence, there is possibility that on the basis of false report the present Applicants are tried to be implication in this crime. It is also pointed out that accused Sundar after his arrest is now released on regular bail. It is contended that as far as present Applicants are concerned, no custodial interrogation would be necessary. Learned Counsel for the Applicant in ABA/763/2023, on instructions, makes a statement that without prejudice to his contention that Applicant is not involved in the crime, undertakes not to enter the jurisdiction of the concern police station, till charge-sheet is filed.

4. Learned APP and learned Counsel for the

informant opposed the application by pointing out that it is the case of poisonous substance being administered to the informant as it appears from the certificate issued by the Deep Hospital dated 24.04.2023. It is also submitted that the informant was unconscious for a quite long period and therefore, non lodging immediate FIR cannot become ground for grant of anticipatory bail.

5. *Prima facie* perusal of the FIR shows that as per the contention of the informant herself when she was taken to the Government Hospital, she regained consciousness. There is nothing on record to show that as to why no complaint was lodged by the informant till 21.04.2023. Thus, there is unexplained delay in lodging of FIR. Apart from this, perusal of the medical papers of Deep Hospital indicates that the history recorded therein is about family crises and then the consumption of Bio R 303 Plus i.e., poisonous substance. If the history given to the medical officer considered then possibility of self-consumption cannot be eliminated.

6. The voluntary undertaking given by the Counsel for the Applicant in ABA/763/2023 not to enter the

jurisdiction of concerned police station till filing of the charge-sheet is accepted. This will take care of the apprehension of prosecution, if any, of interference in the evidence and pressurizing of the witness.

7. In view of this fact and considering the fact that practically the investigation into the crime is over, this Court finds that liberty of the Applicants needs to be protected. Hence, the order:

O R D E R

- (i) Anticipatory Bail Application No. 732 of 2023 is allowed in terms of interim order dated 09th May, 2023.
- (ii) In the event of arrest the Applicant – Masu Chandane in connection with Crime No. 93/2023 registered with Peth Beed Police Station, Beed for the offences punishable under Sections 307, 327, 452, 504, 506 read with Section 34 of the Indian Penal Code, he shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one solvent surety in the like amount.
- (iii) He shall attend the concerned police station once in a week.

- (iv) He shall not contact the prosecution witness directly or indirectly.
- (v) Applicant – Masu Chandane not to enter the jurisdiction of Peth Beed Police Station till filing of the charge-sheet.
- (vi) He shall not interfere with the evidence in any manner whatsoever.
- (vii) He is further directed to cooperate the investigating agency for further investigation.

(R.M. JOSHI, J.)

Malani