

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

ANTICIPATORY BAIL APPLICATION NO.1480 OF 2023

SHANKAR NAMDEVRAO THOMBRE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. S. S. Shinde
APP for Respondents: Mr. V. S. Badakh

...

CORAM : R.M. JOSHI, J
DATE : OCTOBER 20, 2023

PER COURT :

1. Applicants apprehend arrest in connection with with C.R. No. 271 of 2023 registered with Jintur Police Station, Dist. Parbhani for the offences punishable under Sections 307 read with Section 34 of the Indian Penal Code.

2. First informant while admitted in Parbhani District Hospital reported to the police that dispute between him and his elder brother Shankar and that over the agricultural land frequent quarrel occurred between them. According to him on 15.07.2023 the Applicant caused damage to the stand crop. On the next day, he went to Jintur. At that time, when he question to his brother Shankar about the said damage, he threatened

him to kill. Thereafter his sons administered insecticides to the informant. Informant was taken to the hospital. It is alleged that in order to kill him, said administration of insecticides was done by the Applicants.

3. Learned Counsel for the Applicants submits that investigation into the crime is already over and charge-sheet has been filed which indicates that the informant had given history while admitting in Ghati Hospital to say that he had consumed poison on 17.07.2023 at home. It is submitted that there are disputes between the parties and the possibility of false/over implication cannot be ruled out.

4. Learned APP opposed the application by submitting that statement of witness who is wife of the informant supports the allegations in the FIR. He also drew attention of the Court to the record of the Government Hospital, Nanded wherein history given was homicidal unknown compound poisoning. Thus, it is his contention that from the said hospital the informant had taken discharge against medical advise and hence, in order to get himself admitted in the Civil Hospital,

he might have given different history.

5. *Prima facie* perusal of the record indicates that there are disputes between the parties over the agricultural land and as recorded in the FIR there used to occur frequent quarrels between them. In such circumstances, possibility is also created that it could be a case of false/over implication. Investigation is over and charge-sheet is filed. Document placed along with charge-sheet indicates that first informant himself had reported to the medical officer at Ghati that he consumed unknown insecticide. In view of the statement doubt is created about genuineness of FIR. Charge-sheet indicates that bottle of insecticides is already seized. Nothing is to be recorded at the instance of present Applicants. They have no criminal history and not likely to abscond.

6. In view of above, application stands allowed. Hence, the order:

O R D E R

- (i) In the event of arrest the of Applicants in connection with with C.R. No. 271 of 2023 registered with Jintur Police Station, Dist. Parbhani for the offences punishable under Sections 307 read with Section 34 of the Indian Penal Code, they shall be released on

bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) each with one surety in the like amount.

- (ii) They shall attend the concerned police station as and when required.
- (iii) They shall not contact the witnesses directly or indirectly.
- (iv) They shall not interfere with the evidence in any manner whatsoever.
- (v) They are further directed to cooperate the investigating agency for further investigation.

(R.M. JOSHI, J.)

Malani