

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1628 OF 2023

Somnath Bhausaheb Ghadge & another Applicants

Versus

The State of Maharashtra & another Respondents

Mr. V. P. Narwade, Advocate for the applicants.
Mr. S. B. Jadhav, APP for the State.

CORAM : R. M. JOSHI, J.
DATE : 6th DECEMBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 987/2023 registered with Rahuri Police Station, Dist. Ahmednagar, for the offences punishable under Sections 307, 504, 506 read with Section 34 of Indian Penal Code.

2. First informant Prasad reported incident occurred on 18th August, 2023 at about 6.00 pm. According to him, applicants and co-accused who had dispute with him over the money lent by them to him, forcibly administered poisonous substance to him. Informant claims that thereafter his father Dnyandeo came to the spot and he informed about the condition of informant to his friend Amol. Amol

came there after sometime and took informant to Vivekanand Nursing Home. He was hospitalised there for ten days and thereafter report came to be lodged.

3. Learned counsel for applicants states that there are disputes between applicants and informant over the money lent by them to him. It is submitted that it is a case of false implication as report in respect of incident dated 18th August, 2023 has been lodged on 28th August, 2023.

4. Learned APP opposed the application by relying upon the statements of informant as well as Amol. According to him, medical papers indicate that informant was treated for poisoning. He also sought to place reliance on statement of informant recorded under Section 164 of Code of Criminal Procedure.

5. First Information Report itself indicates that there are disputes between the informant and applicants over the money lent by them. There is no previous complaint from informant or any other person against applicants of causing harassment to informant for repayment of money. In this backdrop, medical papers show that at

the time of admission of informant in the hospital, no history was given either by him or his relatives. Amol in his statement recorded on 31st August, 2023 claims that he went to the spot and that the time he was told by the informant about he being administered poisonous substance by the applicants and co-accused. If the said fact was disclosed to Amol immediately, it does not stand to any reason as to why he failed to disclose the same to the Medical Officer while admitting informant in the hospital. Delay in lodging report creates doubt about the genuineness of claim of informant. On account of delay possibility of false/over implication cannot be ruled out. Record indicates that nothing is to be recovered at the instance of present applicants and as such it is a fit case for allowing the application. Hence, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dwb