

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

BAIL APPLICATION NO.1736 OF 2023

1. Yashwant Gokul Dudhade
2. Shubham Yashwant Dudhade ..Applicants

Versus

The State of Maharashtra
Through In charge Police Station Officer,
Police Station Rahuri, Tal. Rahuri,
Dist. Ahmednagar ..Respondent

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Mr. V. P. Narwade, Advocate for the Applicants.
Mrs. P. V. Diggikar, APP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 20th OCTOBER, 2023.**

PER COURT:-

1. The applicants seek regular bail in connection with Crime No.987/2023 registered with Rahuri Police Station, District Ahmednagar for the offences punishable under Sections 307, 504, 506 r/w 34 of the Indian Penal Code.

2. The investigation was set in motion on the basis of the information given by one Prasad Dnyandeo Todmal alleging that he holds agricultural land bearing Gut No.67/2/1/A/1 at Rahuri. He had obtained loan from accused persons and executed a sale deed by way of security against the loan, which was agreed to be reconvened on realization of the loan amount. It is alleged that the informant has paid the entire loan amount, however they have not reconvened the land to him. On 18.08.2023, the accused persons had been to the land of the informant for taking forcible

possession. The informant opposed them. The accused persons administered him poison namely Rogar and attempted to commit murder. On the basis of the aforesaid information Crime No.987/2023 came to be registered for the offences punishable under Sections 307, 504, 506 r/w 34 of the Indian Penal Code.

3. Mr. Narwade, learned Advocate appearing for the applicants would submit that the informant has executed registered sale deed in their favour, so also handed over the possession of the land. However, subsequently, the dispute arose. The informant consumed poison himself and lodged false FIR. He would submit that the applicants have been arrested on 28.08.2023. Further detention of the applicants would not be necessary. Hence, he urges to release the applicants on bail.

4. The learned APP strongly opposes the prayer. She would submit that it is a matter of loan transaction. The sale deed was executed by way of security of loan. The possession continues with the informant and in attempt of taking forcible possession the informant is administered poison by the applicants. She would invite attention of this Court to the medical evidence, which indicates the admission and discharge of the informant for treatment of poison. She would submit that the investigation in the matter is still in progress. Hence, she opposes the prayer for grant of bail.

5. Having considered submissions advanced, it can be gathered that the FIR is lodged on 28.08.2023. The alleged incident of poisoning took place on 18.08.2023. There is delay of more than 10 days in lodging the FIR. The informant was admitted in the Swami Vivekanand Nursing Home at Rahuri Factory, Taluka Rahuri on 18.08.2023. The history was recorded

which indicates that it was a case of consumption of poison by the informant himself. The undertaking of one Pramod Todmal, who is relative of the informant is recorded in hospital, wherein he states that the informant had consumed poison. Taking into account the history as recorded in the medical papers, it is difficult to accept the contention of prosecution that informant was forcibly administered poison. In that view of the matter, further detention of the applicant would not be necessary. Hence, case is made out for grant of bail. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicants, Yashwant Gokul Dudhade and Shubham Yashwant Dudhade be released on bail in Crime No.987/2023 registered with Rahuri Police Station, District Ahmednagar for the offences punishable under Sections 307, 504, 506 r/w 34 of the Indian Penal Code on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each on following condition:
 - a. The applicants shall not tamper with the prosecution evidence in any manner.
 - b. The applicants shall not contact with the informant or any other witnesses conversant with the facts of the case.
 - c. The applicants shall not enter the Taluka Rahuri, Dist. Ahmednagar till filing of the charge-sheet.
- (iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE