



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

925 ANTICIPATORY BAIL APPLICATION NO. 1007 OF 2024

1. Majjid Kadarsaheb Sayyed
@ Sayyed Majjit Daruwale.
2. Daruwale Jamil Kadarbhai
@ Sayyed Jamil Daruwalwe.
3. Daruwale Tasmin Jamil
@ Sayyed Taslim Jamil Daruwalwe. **... Applicants**

Versus

The State of Maharashtra and another. **... Respondents**

Advocate for Applicant : Mr. Abhijit S. More.
APP for Respondent/State : Mr. P. K. Lakhotiya.
Advocate for assist to PP : Mr. G. J. Kore.

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CORAM : **SHIVKUMAR DIGE, J.**

DATE : 07th August, 2024.

P.C.:

. The applicants apprehend arrest in Crime No.119 of 2024, registered with Yermala Police Station, District Dharashiv, for the offences punishable under Sections 307, 323, 498-A, 504 and 506 read with 34 of Indian Penal Code.

2 It is prosecution's case that the informant had married with accused No.5 prior to nine months of the incident. After the marriage, the informant was treated well for fifteen days. It is alleged that accused Nos.5 and 6 started harassing the informant to bring Rs.10,00,000/- for expansion of business. When the informant told this fact to her parents, it is alleged that they had given Rs.10,00,000/-. It is alleged that thereafter, for two months, the applicants and the husband of informant treated the informant well. It is alleged that thereafter, accused No.5 started harassing the informant. He used to beat her and he was pressurizing her to give him divorce. Thereafter, the informant came to her parental house. There was compromise between them with the help of respectable persons, due to the compromise, again the informant came to the house of applicants. It is alleged that the informant was mentally and physically harassed by the applicants and other co-accused. It is alleged that on 24th April, 2024, accused No.5 beaten the informant brutally. The informant sent the pictures of her injury to her parents. On that count, accused No.5 again assaulted the informant and told her that he will kill her. It is alleged that at that time, the applicants came there and they caught hold the hands of informant and accused No.5 poured poisonous pesticide in the mouth of informant. Due to that poison, the informant got unconscious. It is alleged that no one tried to take the informant to hospital. After some time, the mother and brother of informant came

there. They took the informant to the hospital. Thereafter, the informant lodged the complaint.

3 It is the contention of the learned counsel for applicants that the applicants have been falsely implicated in this case. The entire incident is captured in the CCTV footage. The applicants were not present in the house when the incident took place. The informant had herself consumed the poison and she has roped the applicants in the false case. The husband of the informant is arrested by the police. Considering the allegations against the applicants, their custodial interrogation is not required. Hence, he requested to allow the application.

4 It is the contention of the learned APP alongwith the learned counsel for assisting the prosecution that the informant was subjected to cruelty by the applicants and co-accused. The incident happened within nine months after the marriage. The applicants and co-accused tried to kill the informant by pouring poisonous pesticide in her mouth. They did not take her to hospital when she got unconscious. The incident is recorded in the CCTV footage, but some part of the recording is deliberately not produced before the investigating officer and there is manipulation in the CCTV footage. Considering the allegations against the applicants, their custodial

interrogation is required. Hence, they requested to reject the application.

5 I have heard all the learned counsel. Perused the FIR and the police papers produced on record. The allegations against the applicants are that they caught hold the informant and accused No.5 poured poisonous pesticide in her mouth. The husband i.e. accused No.5 is arrested by the police. It is the contention of the learned counsel for applicants that CCTV footage shows that the applicants were not present at the time of incident. Whereas, it is the contention of the learned APP alongwith the learned counsel for assisting the prosecution that the entire CCTV footage is not produced before the investigating officer. From the CCTV footage produced before the investigating officer, it appears that applicant Nos.1 and 2 were not present at the time of incident. To prove the evidentiary value of the CCTV footage, evidence is required. The bottle of poison is recovered from the incident spot. Considering the allegations against the applicants that they caught hold the hands of informant and the applicants are old aged persons, their custodial interrogation is not required. The Trial Court shall decide the trial on its own merits without influenced by the observations made in this order. Hence, I pass the following order:-

ORDER

- I. The application is allowed.
- II. In the event of arrest of applicants in Crime No.119 of 2024, registered with Yermala Police Station, District Dharashiv, for the offences punishable under Sections 307, 323, 498-A, 504 and 506 read with 34 of Indian Penal Code, they be released on executing personal bond of Rs.15,000/- each with one surety in the like amount by each of them, on the following conditions:-
 - a) The applicants shall attend the concerned police station as and when required and shall co-operate in the investigation.

[SHIVKUMAR DIGE, J.]

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