



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1392 OF 2024

SUNANDA W/O SANDIPAN KAMBLE  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

Mr. S. S. Panale, Advocate for the applicant  
Mrs. D. S. Jape, APP for the respondent/State  
Mr. V. G. Kodale, Advocate for the informant

CORAM : R. M. JOSHI, J.  
DATE : 16<sup>th</sup> OCTOBER, 2024

PER COURT :-

1. Applicant apprehends arrest in connection with Crime No. 152/2024 registered with Latur-Rural Police Station, Dist. Latur for the offences punishable under Sections 108 and 3(5) of Bhartiya Nyay Sanhita, 2023.
2. First informant lodged report on 12<sup>th</sup> July, 2024 in respect of the incident occurred on 10<sup>th</sup> July, 2024. He has stated that there are disputes between the informant's side and applicant's side over the agricultural land. It is stated that on 10<sup>th</sup> July, 2024 at about 9.45 p.m. he received phone call from his mother Sushila to intimate him about his brother Jyotiram (deceased) having consumed pesticide. After receiving this information he came home and took Jyotiram to the government hospital. It is stated that while the deceased was under treatment he disclosed informant about the incident occurred on 7<sup>th</sup> July, 2024 in which

the quarrel was raised by the applicant and others and that deceased was assaulted. According to him deceased committed suicide being fed up with the said harassment.

3. Learned counsel for the applicant has submitted that as recorded in the first information report there are disputes between parties over the landed property and that the husband of applicant had filed civil suit against the informant's side in the year 2013 itself. He, further states that there are various complaints lodged by both sides against each other. As far as the first information report is concerned, it is his submission that in respect of the alleged incident dated 7<sup>th</sup> July, 2024, no report is lodged from the side of the informant, however, the applicant has lodged report to the police which is recorded as Non Cognizable case. Thus, it is his submission that owing to the previous dispute, the present applicant is sought to be falsely implicated in this crime.

4. Learned APP and learned counsel for the informant opposed grant pre arrest bail. It is their contention that there are statements of witnesses which indicate that incident dated 7<sup>th</sup> July, 2024 did occur. Application is also sought to be rejected on the ground that offence is serious in nature.

5. There is no dispute about the fact that the parties are at logger head since long to be precise for more than 10 years now. There are number of complaints lodged by them against each other. The possibility of commission of crime therefore exists, so also possibility of false implication is not ruled out.

6. In so far as the alleged disclosure of the deceased to the informant about the reason for committed suicide is concerned, the police papers do not indicate that the statement was recorded either by the Medical Officer or by the police officer while the deceased was admitted in the hospital before his death. The only inference which can be drawn from the said fact is that the deceased was in unconscious condition when he was brought to the hospital and therefore neither Medical Officer nor Police recorded his statement. As far as informant is concerned, he has every reason to falsely implicate the present applicant and the co-accused owing to the previous enmity between them. Similarly in respect of the incident dated 7<sup>th</sup> July, 2024 there is no report lodged from the side of informant, but there is non cognizable report lodged by the applicant in respect of the said incident. It is therefore not possible to accept that owing to the said incident occurred on 7<sup>th</sup> July, 2024 the the deceased has committed suicide.

7. Applicant is a lady. There is no *prima facie* evidence to show

her involvement in the crime. Hence, application is allowed in terms of interim order dated 14<sup>th</sup> August, 2024. Trial Court not to get influenced by observations made in this order.

**(R. M. JOSHI, J.)**

ssp