



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

BAIL APPLICATION NO. 1773 OF 2024

ANKUSH TUKARAM MAMDE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Upendra B. Bilolikar
APP for Respondent : Mr. S. B. Pulkundwar
...

CORAM : S. G. MEHARE, J.

DATE : 17-10-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent.
2. The applicant seeks bail in C.R.No.137 of 2024 registered with Police Station Kundalwadi, Taluka Biloli, District Nanded, for the offences punishable Sections 74, 78, 333, 64, 62, 109 of the Bhartiya Nyaya Sanhita.
3. The prosecution case in brief is that at the time of the incident, the applicant entered the marital home of the victim. She was not keeping relations with him. By entering her home, he felled down, took away a bottle containing the poisonous substance and administered it to her. Then, she was taken to the hospital for treatment. She was treated there and discharged.

4. The applicant has a case that a false story has been concocted against him. He and the victim were in relationship. They were messaging to each other on mobile phone. Even after the incident, when the applicant inquired about her health, she responded him. The applicant instructed her not to do anything wrong with herself. The applicant, after the incident, has also a letter of the victim in which she interested him. She assured him that she would not state his name.

5. The learned counsel for the applicant submits that the material placed before the Court does not inspire the confidence. Nothing was recovered from the house of the applicant to believe the case that the applicant had administered the poison. After her admission to hospital, washing was done to extract the poisonous substance from her body. Probably, she might have been forced to state against him. Nothing is recovered from him. Hence, he may be granted bail.

6. The learned A.P.P. has strongly opposed the application. He submits that the victim was not intending to entertain the applicant from last four months from the date of the incident. However, he was forcing her to maintain relationship. He entered her house and felled her down and administered poison. The bottle containing 20 gram poisonous substance was recovered at his instance. The applicant has spoiled the marital life of the victim

and attempting to commit her murder by administering poisonous substance. The offence is grave. The investigation is going on. Hence, he may not be granted bail.

7. Perused the papers presented by the applicant as well as prosecutor.

8. The police papers do not reveal that residues of the poisonous substance from the house of the victim were recovered, where the alleged incident happened. The medical evidence does not support the prosecution case. The post incident conduct of victim is material. After the incident, she was in touch with the applicant. She had assured him that she had not told his name. Considering the papers placed on record, there is a scope to believe that the applicant and the victim had an affair and they were continuously in touch. Probably, some material facts might not have been brought to the light. The material investigation against the applicant has been completed. There are no antecedents to his discredit. He is a young married person of 28 years old. His further detention would serve no purpose. However, to guard the interest of the victim, certain conditions are to be imposed. Hence, the order:-

ORDER

- i) Bail Application is allowed.

- ii) Applicant – Ankush Tukaram Mamde, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- with one solvent surety of the like amount in the above crime for the aforesaid offences, on the conditions that;
- (a) He should not tamper with the prosecution witnesses.
 - (b) He should not contact the victim in any mode or manner till the conclusion of the trial.
 - (c) He should not enter the village Shelgaon Thadi, Taluka Dharmabad, District Nanded, for three months from the date of his release.
 - (c) He should attend the trial on each and every effective date.

**(S. G. MEHARE)
JUDGE**

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