



drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1558 OF 2023

- | | | |
|----|----------------------------------|------------|
| 1. | Gayabai Jainat Raut | APPLICANTS |
| 2. | Sangeeta Balu Dhanore @ Dhanvate | |

VERSUS

The State of Maharashtra and Another	RESPONDENTS
--------------------------------------	-------------

.....
Mr. Narendra D. Sonavane, Advocate for the applicants
Mr. S. B. Jadhav, APP for respondent - State
Ms. Varsha Bhagwat h/f Ms. S. R. Shinde, Advocate for informant
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 26th FEBRUARY, 2024

ORDER :

1. Applicants apprehend arrest in Crime No.194 of 2023 registered with Shivur Police Station, District - Aurangabad for offence punishable under section 307, 143, 147, 323, 504 of the Indian Penal Code.

2. FIR of the incident dated 20th June, 2023 is lodged by informant on 2nd August, 2023. It is alleged that there is dispute between informant and accused persons in respect of ancestral property. Eight accused persons, named in the FIR, came at the Maroti Temple in front of house of informant and asked her as to why she has got transferred 2 acres of agricultural land of their

father in her own name, without asking. Accused persons then abused and slapped informant and her son. Thereafter her sister in law Surekha caught both of her hands and by holding her hair pressed her mouth and then applicants Sangeeta and Gayabai both poured some poisonous medicine in her mouth. Because of that poisonous substance, informant fell on ground and thereafter she was admitted in hospital.

3. Heard learned advocate for applicants, learned APP for the State and learned advocate for informant. Perused the papers of investigation.

4. Learned advocate for informant strenuously opposed the application by placing reliance on discharge summary of informant as well as complaint made by her to the Superintendent of Police on 9th August, 2023.

5. Learned APP has opposed the application by relying on the investigation papers.

6. It appears that civil dispute is going on between the parties. There is delay of two months in lodging the FIR. Though informant has tried to explain the delay by stating that reputed persons from the village have tried to settled the dispute between informant and accused persons, *pirma faice*, the said

explanation is unacceptable.

7. *Prima facie*, there does not appear sufficient medical evidence to support the allegations of forcible administration of poisonous substance to informant. Except her family members, nobody has supported the allegations in the FIR. Offence is registered on 2nd August, 2023 and the investigation is almost complete. In this view of the matter and considering the gender of applicants, they are entitled for anticipatory bail.

8. In the result, application is allowed by confirming the interim protection granted to applicants on 15th September, 2023. Till filing of the charge sheet, applicants shall attend the concerned police station as and when called by the Investigating Officer and co-operate in the investigation. Applicants shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE