IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1591 OF 2023

Ramrao Poonjaji Rakh And Others
VERSUS
The State Of Maharashtra
...
Ms. P. R. Karpe h/f Mr. S. R. Chavan, Advocate for Applicant
Ms. P. J. Bharad, APP for Respondents
...

CORAM : R.M. JOSHI, J
DATE : JULY 25, 2024

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 109/2023 registered with Patoda Police Station, Dist. Beed, for the offences punishable under Sections 307, 143, 147, 149, 452, 324, 323 of the Indian Penal Code.

2. FIR shows that incident has occurred on 24.05.2023 at about 07.00 pm wherein informant and her mother were assaulted by Applicants. It is alleged that Applicant No. 1 forcibly administered poisonous substance to the informant. It is claimed that at the time of occurrence of the incident other persons came to the spot and they were assaulted.

3. Learned Counsel for the Applicants submit that owing to the disputes between the parties on account of alleged relationship of the informant with son of the Applicant No. 1, Applicants are falsely implicated in this crime. It is further submitted that there is delay of three days in lodging of the FIR and hence, possibility of false implication is not ruled out.

4. Learned APP opposed the application by contending that there are statements of witnesses indicating the occurrence of incident and the manner in which it is reported to the police. It is submitted that considering the seriousness of offence and as the Applicants and informant are neighbors, application be rejected.

5. Applicants have placed on record photographs indicating the close relationship between the informant and son of Applicant No. 1. In the light of this fact, the delay caused in lodging of the FIR assumes importance. This is not the case there is no other person could have lodged report with police that informant have administered poison forcefully. Apart from this, police papers indicate that the informant was examined by

medical officer on 24.05.2023 at about 09.30 pm with history of consumption of unknown poison. Medical papers also indicate that the same observations. It is thus clear that this could be a case of self consumption of poison by the informant. Had there been history given of the informant about forceful administration of poison history it would have been recorded accordingly.

6. Having regard to the aforestated facts, the possibility of false implication of the Applicants is not ruled out. Learned Counsel for the Applicants made solemn statement that there is no criminal history against Applicants. Applicants are not likely to flee from justice. Appropriate direction not to commit any offence would be sufficient to take care of the apprehension of the prosecution.

7. In view of the above, application is allowed by confirming interim order dated 27.09.2023.

(R. M. JOSHI, J.)

Malani