



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1646 OF 2023

1. Jijabai Ankush Muley
 2. Bharat Ankush Muley
-Applicants

VERSUS

The State Of Maharashtra And Another

.....Respondents

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Ms. Ashwini Lomte h/f. Mr. S.J. Salunke, Advocate for applicants.
Mr. N.B. Patil, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 5th FEBRUARY, 2024

ORDER :

1. Applicants apprehend arrest in C.R. No. 216 of 2023, registered with MIDC Paithan Police Station, Aurangabad Rural, for offence punishable under Sections 498-A, 308, 323, 504 r/w. 34 of Indian Penal Code.

2. FIR is lodged by Priyanka Muley, daughter-in-law of applicant No. 1 and sister-in-law of applicant No. 2, alleging that there are matrimonial disputes going on between informant and her husband Sharad. Applicants used to ill treat her. Matrimonial disputes are pending before various authorities. On 07.09.2023, after informant was left at matrimonial home, at about 7.30 pm,

Bhagyawant Punde

applicants mixed some poisonous substance in her food. After having food informant started vomiting and feeling giddy. Thereafter, she was admitted in the hospital. From the hospital, she has lodged FIR.

3. Heard learned advocate for applicants and learned APP for respondents. Perused the investigation papers.

4. It is transpired during the investigation that no material could be found in respect of allegation of informant of administering poisonous substance to informant. Investigating officer has submitted a report that he is filing charge sheet under Section 498-A, 323, 504, 506 r/w. 34 of IPC.

5. Considering the investigation papers and pendency of matrimonial disputes, *prima facie*, at the most offence under section 498-A of IPC can be said to be made out against applicants. For that offence custodial interrogation and/or pre-trial detention of applicants is not necessary in the facts of the present case. Application is therefore allowed by confirming the interim protection order dated 13.10.2023.

[NITIN B. SURYAWANSHI, J.]