



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1881 OF 2023

Akash Kailas Sonwane ... Applicant

VERSUS

The State Of Maharashtra ... Respondents

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Mr. Prashant P. Giri, Advocate for the Applicant
Mr. N.B. Patil, APP for Respondents – State
Mr. S.P.Nimbalkar a/w J.D. Pathade, Advocates for Informant
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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 08th FEBRUARY, 2024

ORDER :

1. Applicant apprehends arrest in connection with Crime No.763 of 2023 registered with MIDC Waluj Police Station, District Aurangabad for offences punishable under sections 323, 328 read with section 34 of the Indian Penal Code.

2. FIR is lodged by Shalini Rajendra Malkar alleging that she is married with applicant. A quarrel instituted between them and applicant told her that he is not going to cohabit with informant and he was only interested in use and throw informant. Applicant told her that he is not able to tolerate her quarrels and she should go to her maternal house and started assaulting her. Informant told him that she is not

feeling anything because of beating. She further told him that she would rather die. Applicant therefore bought rat kill from medical shop and gave it to informant and told her to eat and die. At that time, applicant's friend Satish Kashinath Agale was also accompanying applicant. They both told her to consume the said poison and die and nothing would happen to them. In fit of anger, informant consumed the poisonous substance and seeing informant consuming the poison, applicant and his friend ran away from the house. Then informant started having trouble. She called her uncle Vilas Malkar and Ganesh Malkar. Her uncle admitted informant in Ghati Hospital.

3. Heard learned advocate for applicants, learned APP for respondent – State and learned advocate for informant.

4. In the FIR informant has alleged that in fit of anger, she has consumed poison, which is bought by applicant. In statement under section 164 of the Code of Criminal Procedure, she has narrated different story. She has stated that applicant was forcing her to have physical relations with his friend and applicant and his friend Akash both have administered poisonous substance to her. There appear substance in the contention of applicant that maternal relatives of informant was not happy with the marriage of

applicant with informant, and therefore, he is implicated in the false case. According to applicant, informant consumed that poisonous substance while she was at her maternal home. Applicant further contends that informant's marriage is performed by her maternal relatives. Photographs of subsequent marriage are placed on record by applicant.

5. Learned advocate for informant opposed the application contending that applicant has committed serious offence and he is not entitled for protection.

6. Considering totality of circumstances and the fact that offence is registered in the month of September 2023 and there is a delay of four days in lodging FIR, and the investigation appears to be on the verge of completion, since applicant has attended police station and co-operated in the investigation, coupled with the fact that accused no.2 friend of applicant was arrested and he is released on bail, applicant's pre-trial custodial detention is not necessary.

7. Application is therefore allowed by confirming interim protection granted to applicant by order dated 08.11.2023.

8. Till filing of the charge-sheet, applicant shall attend the concerned police station as and when called by the Investigating Officer. Applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane