



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 BAIL APPLICATION NO. 2228 OF 2023

1. Sayyad Amer Ali S/o Sayyad Sajjat Ali

2. Sayyad Sumer Ali S/o Sayyad Sajjat Ali

..APPLICANTS

-VERSUS-

The State of Maharashtra

..RESPONDENT

...

Advocate for Applicant : Mr. Bhosle Santosh C.

APP for Respondent/State : Mr.Mukesh K. Goyanka

Advocate for assist to P.P. : Mr.S.P. Tiwari h/f Mr. P.V. Patil

.....

**CORAM : SANJAY A. DESHMUKH, J.
DATED : 11th JANUARY, 2024.**

PER COURT :-

1. The applicants are seeking bail in connection with crime No.290 of 2023 registered with Bhokar Police Station, Dist.Nanded, for the offences punishable under Sections 302, 307, 323, 294, 504, 509, 34 of the Indian Penal Code.

2. It is averred in the report by deceased informant that the applicants are neighbours. Applicant no.2 outraged her modesty. On 04.08.2023, both the applicants along with their mother came with poison of rat killing and forcibly poured in her mouth. That time mother of the informant came there and then the applicants and their mother left that house by abusing her. Informant become

unconscious. She regained consciousness on 12.08.2023. Thereafter, her statement was recorded by the police on 12.08.2023. On the basis of which, the report was registered in the Police Station, Bhokar. The applicants were arrested on 13.08.2023.

3. The learned advocate for the applicants submitted that father of the informant has stated in the statement that informant was beaten by her mother on account of quarrel took place between her mother and these applicants. Therefore, she went to the medical shop and purchased the rat killing medicine and consumed it. The learned advocate for the applicants pointed out the statement of brother of informant, who has stated that, informant went to Geeta Medical adjacent to Paradise hotel on 04.08.2023. She directed him to stay outside the room. She closed that room. Then he noticed that at about 5 p.m. his sister was taken by ambulance in the Government Hospital at Bhokar. The learned advocate for the applicants submitted that the informant died at Government Hospital, Nanded and report is registered at Bhokar Police Station on 12.08.2023. The learned advocate for the applicants submitted that prima facie reliable evidence is not available against the applicants. He prayed for grant of bail.

4. The learned APP for the respondent/State and learned advocate for assist to P.P. strongly opposed the application and submitted that there is dying declaration, which was subsequently

registered as a report. They lastly submitted to reject the application.

5. No doubt, there is dying declaration of the informant, however, there is no endorsement of the doctor that she was conscious oriented. The papers of medical treatment of the informant shows that she was admitted on 04.08.2023 at Bhokar. Page no.97 of the police information letter shows that the informant was admitted in the hospital at Nanded on 13.08.2023. In the statement of father of the informant, he has stated that his daughter consumed the poison and her brother has stated that she purchased something and thereafter she was found unconscious at about 5 p.m. This is contradictory to the FIR. If all these facts are considered together then the possibility of false implication of the applicants cannot be ruled out. The applicants have roots in the society, they will not flee away from the trial. The trial would take long period. The application can be allowed on certain conditions. Hence the following order :

ORDER

- I. Application is allowed.
- II. The applicants in connection with crime No.290 of 2023 registered with Bhokar Police Station, Dist.Nanded, for the offences punishable under Sections 302, 307, 323, 294, 504, 509, 34 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.15,000/- each with one surety of the like amount on following conditions:-

- a) The applicants shall not enter in Bhokar city till the conclusion of trial except the dates on which the matter is posted before the trial Court.
- b) The observations made hereinabove are prima facie in nature and the trial Court shall not be influenced by it.

(SANJAY A. DESHMUKH, J.)

sga