

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1046 OF 2024

Aishwarya Kailas Jadhav

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Mayuresh Ingale , for the applicant.

Smt. M.H. Mhatre , APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.

DATE : 19th APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R No.172 of 2024, registered at Hinjewadi Police Station, Pimpri-Chinchwad, on 14/02/2024, under Sections 328 and 506 of the Indian Penal Code.

2. Heard Mr. Ingle, learned counsel for the Applicant and Smt. Mhatre, learned APP for the Respondent-State.

3. The FIR is lodged by the mother-in-law of the present

Applicant. She has stated that the Applicant is the wife of the informant's son, who is working in an IT Company at Hyderabad. He got married with the Applicant on 12/05/2023. Initially, there was peaceful cohabitation. After that, the Applicant started showing annoyance because her husband was not visiting Pune where the informant and Applicant were staying. There used to be some petty quarrels between the informant and the applicant. On 24/09/2023, the informant suffered from some health issues because of stomach infection. However, inspite of taking treatment from Southern Army Command Hospital, Pune, there was no improvement in her health. She remembered that on 06/09/2023, the Applicant had given her breakfast consisting of some wheat flour. The informant had seen some pink stony substance in her food. She asked about that to her daughter. They took that substance to a laboratory at Pune. They were told that it was Melevenum and it damaged kidney. On 10/09/2023, the informant and her son saw that the Applicant was mixing some brown powder in the dough for making bread. The informant got suspicious. Her son checked the powder. The informant and her

son asked the Applicant's parents to take her to their house. In the meantime, the informant's health deteriorated. Therefore, she took treatment in the hospital. On this basis, the FIR is lodged. According to the informant, the Applicant had given some poisonous substance attracting provisions of Section 328 of the I.P.C.

4. Learned counsel for the Applicant submitted that the allegations are completely false. As per the FIR, the Applicant had given that substance on 06/09/2023 and the FIR was lodged on 14/02/2024. It is a result of a matrimonial dispute. He relied on the recorded conversation between the applicant and the informant wherein the informant had clearly admitted that they had eaten the same food that was eaten by the Applicant. He, therefore, submitted that the allegations are baseless. Learned counsel for the applicant relied on photographs at Exhibit C in which the informant's son is seen accepting dowry.

5. Learned APP produced investigation papers before me

but beyond the allegations in the FIR there is no further material throwing light on this incident.

6. I have considered these submissions. The allegations in the FIR are quite vague. There is conversation between the Applicant and the informant wherein there is a reference that they were having the same food. At this stage, there is hardly any material warranting the Applicant's custodial interrogation. The informant was aware that same substance was mixed in the food on 06/09/2023 as is mentioned in the FIR and yet the FIR is lodged on 14/02/2024. Thus, there appears to be a deliberate intention to implicate the Applicant. However, at this stage, it would not be proper to make a definite observation on that aspect. Suffice it to say that the Applicant has made out a case for grant of protection under section 438 of Cr.P.C. All these observations are made today based on the available material and only for the purpose of deciding this anticipatory bail application. Hence the following order.

ORDER

- (i) In the event of her arrest in connection with C.R No.172 of 2024, registered at Hinjewadi Police Station, Pimpri-Chinchwad the Applicant is directed to be released on bail on her executing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall co-operate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)