



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.2448 OF 2023

Sanchita Sumedh Bhawar and Ors. ... Applicants
versus
The State of Maharashtra and Anr. ... Respondents

**WITH
INTERIM APPLICATION NO.3586 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.2448 OF 2023**

Sumedh Hariman Bhawar ... Applicant/Intervener
and
Sanchita Sumedh Bhawar and Ors. ... Applicants
versus
The State of Maharashtra and Anr. ... Respondents

Mr. Rahul Shivaji Kadam, for Applicant.
Mr. Prashant Jadhav, APP for State.
Mr. Akshay Dingade i/by Mr. A.B.Deshkar, for Intervener in IA 3586 of 2023.
PSI N.B.Gaikwad, Shivaji Nagar Police Station, Ambarnath (E), present.

CORAM: N.J.JAMADAR, J.

DATE : 22 APRIL 2024

P.C.

1. Heard the learned Counsel for the parties.
2. By an order dated 30 August 2023, this Court was persuaded to grant interim bail observing, inter alia, as under :

“5. The first informant lodged a report with the allegations that on 25 April 2023, one of the house-maids informed him that at the instructions of the Applicant No.1, she mixed some powder with the food served to the first

informant. The first informant got the sample of the said powder, which was kept in a pouch, verified from the Laboratory – Chennai Metex Pvt. Ltd. It transpired that the said powder contained unwholesome substances. The first informant claimed to have consulted a medical practitioner, who advised him to have blood tests. According to the first informant, the said powder contained nickel, aluminum, chromium, lead, arsenic and selenium. The first informant further alleged that the applicant No.2, who is his cousin, and Applicant No.3, the latter's wife, used to deliver the said powder to the applicant No.1. The applicant No.4 allegedly administered poison to the first informant and his mother.

6. The learned Counsel for the Applicants submits that on account of matrimonial dispute and with a view to get rid of applicant No.1, the first informant has lodged a false and concocted report. An endeavour was made to invite the attention of the Court to the blood test reports which, according to the Applicants, do not reveal any significant poisonous content.

7. The learned APP would submit that de hors the matrimonial dispute, there is a statement of the medical officer which indicates that the poisonous substances have been found in the blood of the first informant, and that cannot be brushed aside. The learned APP submitted that the investigation officer has forwarded the sample of the blood to FSL and the reports are awaited.

8. In the backdrop of the nature of the accusation, the complicity of the applicants, even if the case of first informant is taken at par, would hinge upon the potency of the substances which was allegedly administered to the first informant and his mother. In the aforesaid view of the matter and the fact that the FIR itself refers to the matrimonial dispute between Applicant No.1 and the first informant, it may be expedient to protect the liberty of the Applicants, while directing them to join in the investigation.”

3. Learned APP, on instructions, submits that the CA report in respect of

the blood of the first informant and his mother have been obtained. Results of the analysis do not show the presence of narcotic drugs or its constituents. Allegedly recovered substance was also sent for analysis. Results of the analysis for drug detection was negative. However, calcium ions (Ca^{2+}), Potassium ions (K^{+}), Chloride ions (Cl^{-}) and Nitrite Ions (NO_2^{-}) were detected in the said sample of substance.

4. In view of the above, the aspect as to whether the substance, which was allegedly administered at the behest of the applicant to the first informant and his mother, contained poison, becomes contentious. Since the genesis of the alleged offences is in the marital discord between the applicant No.1 and the first informant and having regard to the nature of the accusation and reports of analysis, further custodial interrogation of the applicant does not seem warranted, I am impelled to make the order of interim bail absolute.

5. Hence, the following order :

ORDER

- (i) The Application stands allowed.
- (ii) The order of interim bail dated 30 August 2023 is made absolute on the terms and conditions incorporated therein.
- (iii) The Applicants shall regularly attend the proceedings before the jurisdictional Court.

(iv) Interim Application also stands disposed.

(v) It is, however, clarified that the observations are confined to the consideration of entitlement for pre-arrest bail and the trial Court shall not be influenced by any of the observations in further proceedings.

(N.J.JAMADAR, J.)