

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

ANTICIPATORY BAIL APPLICATION NO. 2016 OF 2024

Nilesh s/o Balasaheb Ugale ... Applicant
Versus
The State of Maharashtra & Anr. ... Respondents

WITH

ANTICIPATORY BAIL APPLICATION NO. 2017 OF 2024

1. Ambadas s/o Shankar Choudhary
2. Ananda s/o Gopalrao Bhandare
3. Bajirao s/o Ramaji Bhandare ... Applicants
Versus
The State of Maharashtra & Anr. ... Respondents

Ms. Alka Tanaji Shelke for Applicants in both the Applications.
Mr. R. M. Pethe, APP for Respondent-State in ABA/2016/2024.
Ms. Rutuja A. Ambekar, APP for Respondent-State in ABA/2017/
2024.
Mr. Vishnu Hole, PSI, Trimbakeshwar Police Station, Nashik.

**CORAM: MANISH PITALE, J.
DATE : 16th AUGUST 2024**

P.C. :

. Heard learned counsel for the applicants and learned APPs
for the respondent-State.

2. The applicants are apprehending arrest in connection with
FIR No. 0100 of 2024 dated 16th May 2024 registered at
Trimbakeshwar Police Station, Dist. Nashik, for offences under
Sections 307, 323 and 395 of the Indian Penal Code, 1860 (IPC).

3. The FIR was registered on the statement of the informant/victim, who stated that on the date and time of the incident, in the backdrop of a civil dispute between the applicants in Anticipatory Bail Application No. 2017 of 2024, as also a Trust of which they are members on the one hand, and the informant on the other. It is alleged that the applicant in Anticipatory Bail Application No. 2016 of 2024, along with other accused persons, held the feet of the informant, while applicant No.3 in Anticipatory Bail Application No. 2017 of 2024 pressed his nose and applicant No.1 in the said application allegedly poured poisonous substance into the mouth of the informant with an intention to kill him. It is also alleged that the informant was physically assaulted and that his mobile phone was taken away. Eventually, the informant escaped and ran, when he met his acquaintance, who took him to the hospital. The informant remained in hospital till 15th May 2024 and thereafter, the FIR was registered.

4. The learned counsel for the applicants submits that the informant has filed a suit for decree on the basis of adverse possession in respect of part of parking lot and in that suit, he has made the Trust, as well as the applicants in Anticipatory Bail Application No. 2017 of 2024, as defendants, along with others. It is submitted that due to the aforesaid dispute, the applicants have been falsely implicated by the informant. It is submitted that considering the incident allegedly took place at Trimbakeshwar, which is about 30 kms from Nashik, the further narration of

events about the manner in which the informant reached the hospital at Nashik, appears to be unbelievable. It is submitted that the applicants are senior citizens and they are ready to cooperate with the investigation and therefore, this Court may allow the applications.

5. On the other hand, the learned APPs have invited attention of this Court to the statement of the acquaintance of the informant, who took the informant to the hospital and reliance is also placed on copies of the medical injury certificate and other documents obtained from the hospital where the informant took treatment.

6. A perusal of the statement of the said acquaintance of the informant shows that it matches with the description of events given by the informant. The said acquaintance took the informant to the hospital. It is recorded in the medical documents that even after the informant was brought to the hospital, he was still vomiting. The history recorded in the medical papers also shows assault and forcible ingestion of poisonous substance i.e. cypermethrin 25%. The medical documents also show that while the informant was admitted in such a condition on 11th May 2024 at 2:50 p.m., he was discharged after four days on 15th May 2024 at about 11:30 a.m. The aforesaid documents indeed show that the informant had to undergo extensive treatment for the material that had entered into his body.

7. The description of the event in the statement of the informant is graphic. The roles attributed to the applicants are also specific. A bare perusal of the statement of the informant shows that according to him, applicant-Nilesh Ugale held his feet, applicant-Ananda Bhandare held the hands of the informant behind his back, while applicant-Bajirao Bhandare pressed the nose of the informant and applicant-Ambadas Choudhary poured the poisonous substance into the mouth of the informant.

8. Considering the aforesaid specific roles attributed to the applicants, no case is made out for granting anticipatory bail. The applications are dismissed.

MANISH PITALE, J.