



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.195 OF 2024
(Indal s/o Tukaram Rathod and ors. Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms P. Lakhani, Advocate h/f Mr. M.P. Kariya, Advocate for the applicants.
Ms S. Kolhe, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 22, 2024.

Heard.

2. By this application, the applicants are seeking pre-arrest bail. The applicants are apprehending arrest at the hands of police in connection with Crime No.252/2023 registered with Police Station Pophali, Taluka Umarkhed, District Yavatmal for the offence punishable under Sections 307, 143, 147, 323 and 506 read with Section 149 of the Indian Penal Code.

3. The accusation against the present applicants is on the basis of report lodged by Jyoti Ravi Rathod alleging that on the day of incident i.e. on 13/10/2023 at about 8.30 a.m. in the morning when she was in the house her brother-in-law Indal asked her to vacate the room, at that time complainant replied that she is with her husband and after calling her husband she would vacate the room which was allotted to Indal in a mutual partition. But the said Indal asked her to vacate the room immediately and thereafter Indal, her sister-in-law Ushabai and nephew

Vivek snatched the mobile phone. The son-in-law and Ushabai caught her hairs and started beating her. Indal and mother-in-law with her daughter Mohini and son Arjun had also started beating her, at that time Anil Rathod, Laxman Rathod, Yash Jadhav and present applicant had beaten the complainant and torn her cloths. She attempted to rescue her but at that time Indal tried to administer her pesticides. On the basis of said report, police have registered the crime against the present applicants.

4. Learned Additional Public Prosecutor strongly opposed the application on the ground that the co-accused with the help of the present applicants attempted to commit the murder of the complainant by administering her poison, therefore, the custodial interrogation of the present applicants is required and prays for rejection of the application.

5. I have heard learned Counsel for both the parties. Perused the investigation papers. From the statement of the witnesses it reveals that after the assault the complainant went inside and thereafter her daughter came out by saying that her mother had consumed poison whereas the complainant stated that the poison was administered to her by the co-accused. Admittedly, the allegation against the present applicant is only to the extent of assault by fist and slaps, therefore, custodial interrogation of these applicants is not required. Though there are controversial statement regarding the

administering of the poison or consuming of a poison which is a matter of investigation. At this stage, considering the role of the present applicants, the application for grant of bail deserves to be allowed. Accordingly, I proceed to pass following order:

- (i) The application is allowed.
- (ii) Applicant No.1 is already arrested. In view of that, the application to the extent of applicant No.1 became infructuous.
- (iii) In the event of arrest, applicant Nos.2 and 3 namely 2) Anil s/o Tukaram Rathod and 3) Laxman s/o Tukaram Rathod in connection with Crime No.252/2023 registered with Police Station Pophali, Taluka Umarkhed, District Yavatmal for the offence punishable under Sections 307, 143, 147, 323 and 506 read with Section 149 of the Indian Penal Code, be released on anticipatory bail on executing a PR.Bond in the sum of Rs.25,000/- each with one solvent surety each, in the like amount.
- (iv) Applicant Nos.2 and 3 shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(v) Applicant Nos.2 and 3 shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

6. The application is disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)

**Divya*