



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL APPLICATION (ABA) NO. 733 OF 2023**

Vandabai w/o Anil Rathod and another V/s State of Maharashtra

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

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Court's or Judge's Order

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Mr. Sandeep Ambagade, counsel h/f Mr. MK.P Kariya, counsel for  
applicants.

Mr. N.B. Jawade, APP non-applicant/State.

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 15/03/2024.**

1. Apprehending arrest at the hands of Police, in connection with Crime No. 252/2023 registered with Police Station Popali, Tq. Umarkhed, District Yavatmal for the offence punishable under Sections 307, 143, 147, 323, 506 read with Section 149 of the Indian Penal Code, 1860, the applicants approach this Court for grant of pre-arrest bail.

2. The accusation against the present applicants is on the basis of report lodged by Jyoti Ravi Rathod, on an allegation that on 13/10/2023 at about 8.30 in the morning when she was at the house, her brother-in-law Indal asked her to vacate the room, at that time, complainant replied that he is with her husband, and after calling her husband she would vacate the room, which was allotted to Indal in 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 the hairs of the complainant 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 Jadhao, and present applicants had beaten the complainant and torn her clothes. She attempted to rescue her, but at that time Indal tried to administer her pesticides. On the basis of said report, the police have registered the crime against the present applicants.

3. Heard learned counsel for the applicants. He submitted that as far as the administration of poison is concerned, the allegation is not against the present applicants. The only allegation against them, they have assaulted the complainant by fist blows. The custodial interrogation of the present applicants is not required and they be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application on the ground that the applicants along with other co-accused attempted to commit the murder of the complainant by administering her stupefying substance. The custodial interrogation of the applicant is required and prays for rejection of the application.

5. Having heard learned counsel for the applicant and learned APP for the State, 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 the poison. Thus, the allegation of administering the poison which is alleged against the co-accused is not substantiated by

the statements of the witnesses. As far as the allegation against the present applicants is concerned, which is only to the extent of assault by fist and blows. Considering the same, custodial interrogation is not required. In view of the matter, criminal application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a] The criminal application is allowed.
- b] In the event of their arrest, in connection with Crime No. 252/2023 registered with Police Station Popali, Tq. Umarkhed, District Yavatmal for the offence punishable under Sections 307, 143, 147, 149, 323, 506 of the Indian Penal Code, 1860, the applicants **(1) Vandabai Anil Rathod (2) Geetabai Laxman Rathod** shall be released on anticipatory bail, on executing PR. Bond of Rs. 25,000/- each with one solvent surety in the like amount.
- c] The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

**The criminal application is disposed of.**

**[URMILA JOSHI-PHALKE, J.]**