



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

33 ANTICIPATORY BAIL APPLICATION NO. 98 OF 2025

VISHWAS BHAWAN BHAMRE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Nilesh N. Desale

APP for Respondent/State: Mr. A. A. A. Khan

Advocate for Assist to PP : Ms. Devika Patil h/f. Mr. N. L. Chaudhari

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CORAM : ARUN R. PEDNEKER, J.

DATE : 10th MARCH, 2025

PER COURT:

1] Heard learned counsel for the applicant, the learned APP for the respondent-State and the learned counsel for the assist to public prosecutor.

2] The applicant is apprehending arrest in connection with Crime No.402/2024, registered at Sakri Police Station, Taluka Sakri, District Dhule, for the offences punishable under Sections 109, 352, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita.

3] This court granted by order dated 13.02.2025 granted interim protection to the applicant noticing the submissions at paras 4, 5, 6, 7 and 8, as under:

"4] The case against the applicant is that he along with his brother and mother caught hold of the informant and administered poison to her on 05.12.2024. The FIR is registered on 11.12.2024. It is stated that the informant was in hospital and, as such, the FIR is registered at later point of time. The learned counsel for the applicant submits that the sessions court has

granted anticipatory bail to the brother and his mother. It is stated that this is the case of over implication. In terms of the FIR the applicant is not staying with the wife from the year 2016, although, they were married in the year 2007. The applicant and the informant are started living separately from the year 2016. The informant was taken to the hospital on 05.12.2024 at night and in the medical papers, history is indicated as assault and consumption of unknown substance. However, on 09.12.2024 the informant has stated to the Doctor, that her husband has extramarital affair and torture her since 15 to 16 years and on 05.12.2024 the husband has forced her to consume poison.

5] *The FIR contradicts the medical papers. He submits that the parties are living separately as each one alleges against another that they are having extra marital affairs. He also submits that there is outstanding loans in which payments are stopped by the applicant for some time and as such the informant has been to the applicant's employer's office for the purpose of seeking direction to make payment of the installment. He submits that the stoppage of installment and her possible relations with other person has give rise to the present FIR. He denied presence of the applicant on 05.12.2024 at the house with complainant.*

6] *He also submits that the informant on account of the matrimonial dispute and considering her inconsistent statement to the Doctor, the inconsistencies gives rise to the inference that the consumption of the unknown material is sought to be foisted upon the applicant as an administration of poison.*

7] *The learned APP submits that the report of stomach wash is awaited.*

8] *Considering all the above noted aspects that the applicant was not staying with the informant from the year 2016 and also considering the fact that prior to the incident that the applicant has stopped payment of installment and that the possibility of consumption cannot be ruled out."*

4] The learned APP points out that there are certain injuries on the informant in the nature of blunt trauma injuries.

The same are simple injuries.

5] The learned APP also produced the letter written by the Investigating Officer to the Doctor, who has treated the patient / informant in which the specific question is posed as to how much poison was administered to the patient / informant or consumed by the applicant and in that regard he replied that the patient has not informed that the poison was administered to her or consumed. It is also stated that he did not observe that there was any threat to the life on account of consumption to the patient / informant. He has stated that the stomachwash was taken and the same is with the forensic and the report is not available.

6] Considering the above, the interim protection can be confirmed.

7] In view of the above, the interim protection granted by order dated 13.02.2025 stands confirmed, on the following terms:

i] The applicant shall attend the police station as and when required by the Investigating Officer.

ii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

8] In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

9] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10] The application stands disposed of.

[ARUN R. PEDNEKER, J.]

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