



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1555 OF 2025

Rajaram Sadashiv Rathod And Another

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondent

.....
Advocate for Applicant : Mr. Suraj R. Bagal h/f. Mr. Gadegaonkar Bharat N.

APP for Respondents: Mr. S.P. Joshi.

Advocate for informant : Mr. Ajinkya Kale.

CORAM : MEHROZ K. PATHAN, J.

DATE : 12th NOVEMBER, 2025.

P.C. :-

1] The applicants have filed the present application for grant of anticipatory bail in connection with Crime No.0163 of 2025, registered with Mukhed Police Station, District Nanded for the offence punishable under Sections 103-1, 80-2, 85, 352, 351-2, 351-3 r/w 3-5 of the Bhartiya Nyaya Sanhita.

2] The informant is the father of deceased Taubai whose marriage is performed with applicant Sudhakar on 02.07. 2025. As per the allegations in the FIR dated 15.7.2025, the applicants have demanded dowry amount of Rs. 6,00,000/- and 3 Tolas of Gold. However, Rs. 1,00,000/- remained to be paid. On 07.07.2025, the daughter of the informant alongwith her husband came back to her parents' house a a matter of tradition called "Paratni" and at that time,

she informed her parents that accused persons have abused her for remaining amount of dowry and they have given threats that if she failed to bring the dowry amount of Rs.1,00,000/-, she will have to face consequences. On next day, the father in law, mother in law and brother in law of the deceased alongwith other relatives also came to her parental house of deceased for said programme of "Paratni" and went back on same day. The deceased and her husband Sudhakar, however, returned back on next day i.e. 09.07.2025 at about 10.00 a.m. Immediately thereafter on next day morning at about 7.00 a.m. the informant received call of her daughter that she is facing tremendous problem of vomiting and immediate medical help is needed. Therefore, the informant and his family members rushed to her house and took her to the hospital of Dr. Ashok Kaurwar at Mukhed. After getting first aid there, she was shifted to Dr. Pattewar's Hospital, Mukhed, where she took treatment for a day. But on the next day, as per the advice of husband of the deceased and her father in law, she was kept in a rented room of applicant Sudhakar at Mukhed. But, on 12.07.2025, the health of deceased Taubai got further deteriorated and therefore, she was shifted to Vinayak Hospital and then to Narayan Hospital, Nanded After conducting some medical examinations and obtaining reports thereof, she was shifted to Higher Center i.e. Life Care Hospital, Nanded. It was found in the said hospital that it was a case of poisoning deceased Taubai disclosed that she was forcibly administered poison by her husband, the parents of husband and brother of husband. Ultimately, she was further referred to Hyderabad in Yashoda Hospital, where, she was declared dead on 13.7.2025 at about 6.00 p.m. Her body was brought back to Sub-District Hospital, Mukhed for post-mortem examination. Thereafter, the father of deceased namely, Waman Chavan, has filed against the accused persons, which is registered as FIR No. 163 of 2025. Before that, Accidental Death case No. 43 of 2025 was registered on 14.7.2025.

3] It is the submission of the learned counsel for the applicants, the applicants are old parents of the husband of deceased, who is also an accused and has been released on regular bail vide order dated 29.9.2025 by this Court in A.B.A. No. 1720 of 2025, after being arrested.

4] It is further submitted by the learned counsel for the applicant that other co-accused Sdashiv, is released on anticipatory bail by the learned Sessions court by same order by which the applicants' anticipatory bail application is rejected i.e. order dated 18.8.2025 passed by the Additional Sessions Judge, Mukhed. It is submitted of the learned counsel for the applicants that the deceased reportedly visited the maternal/parental home on 7th July, 2025 and there was function on 8th of July, 2025 at her parental home at Wasur Tanda, and on 9th July, 2025 she left alongwith members of her matrimonial home at Rathodwadi, Taluka Mukhed. The applicants are falsely implicated by the parents of the deceased. It is the submission of learned counsel for applicants that the deceased was well oriented and conscious till the date of her death and that no statement was recorded by any Doctor or any other Police Officer. The victim was initially taken to Matoshri Hospitalk run by Dr. Kaulwar and thereafter to Godawari Hospital of Dr. Pattewar and lateron shifted to Vinayak Hospital Nanded and then to Yashoda Hospital Hyderabad for treatment. Neither of the hospitals took pains to report the incident to the police booth or police station reporting any such alleged act on the part of the present applicants of administering poison to the deceased.

5] It is the submission that applicants being aged old parents of the husband Sudhakar who is already released on bail and there is no likelihood that the present applicants may flee away from the ends of justice and therefore, they are ready to abide by any conditions that may be imposed by this Court, while releasing the applicants on bail.

6] As against this, the learned APP submits that there is serious allegation of administering poison by the applicants to the deceased, who was married only few days before the date of incident. There are direct allegations in the name of present applicants, as the perpetrators of crime taking away life of a young girl. He, therefore, prays that this is not a fit case wherein discretion can be exercised by this Court for releasing the applicants on anticipatory bail.

7] Learned counsel Shri Ajinkya Kale, learned Advocate, appearing for the complainant to assist the prosecution has also adopted the arguments of the learned APP and submits that the post mortem report, wherein, it is stated that the cause of death is "Cardio Respiratory Arrest probably due to poisoning". He, therefore, submits that the ;custodial interrogation of the applicants would be necessary, so that the present crime can be investigated from all angles and appropriate charge sheet would be filed. It is further submission of the counsel for complainant that there are serious lapses in the investigation. The complainant has already preferred Criminal Writ Petition before the Division Bench of this Court bearing Criminal Writ Petition No. 1354 of 2025 asking for transfer of the investigation to some other police station as the Investigating Officers have not done their job properly. He, therefore, submits that looking to the gravity of the offence, applicants may not be released on anticipatory bail.

8] I have gone through the order passed by this Court in Bail Application No. 1720 of 2025 dated 25.5.2025 and also the order passed by the 18.8.2025 passed by the learned Sessions Judge. Perusal of the medical history of the hospitals where the victim reportedly visited, after the date of incident, nowhere it is recorded that there is some history of some persons administering poison to the victim. None of the hospitals

have taken pains and reported the incident to the police Station immediately as there was no complaint of homicidal angle of poisoning. Perusal of the FIR shows that the complainant had come to know about the poisoning only on 12.7.2025, However, details recorded by Dr. Kaulwar at Matoshri Hospital shows that the husband of the applicant himself had admitted the victim in the said hospital. Thereafter she was referred to the hospital of Dr. Pattewar and Vinayak Hospital, Nanded. Perusal of the record of the medical treatment papers does not show any attempt was made to refer the history of possible poisoning. In so far as the lapses in the investigation, the complainant himself has admitted that there are serious lapses by the investigation authorities and as such, they have filed a criminal writ petition. Be that as it may, the applicants have made out a case for grant of anticipatory bail. Hence, the following order :-

ORDER

[A] The application is allowed ;

[B] The applicants – Rajaram Sadashiv Rathod and Motyabai w/o. Rajaram Rathod, be released on anticipatory bail in the event of their arrest in connection with Crime No. 0163 of 2025, registered with Mukhed Police Station, District Nanded for the offence punishable under Sections 103-1, 80-2, 85, 352, 351-2, 351-3 r/w 3-5 of the Bhartiya Nyaya Sanhita, on their furnishing P.R. Bond in the sum of Rs. 50,000/- each, on the following conditions :-

[a] The applicant shall attend the concerned Police Station on every Monday and Thursday till filing of charge Sheet;

[b] The applicants shall not tamper with the prosecution evidence and shall not pressurize the witnesses;

[c] A single reported incident of violation of the conditions may entitle the prosecution to seek cancellation of bail.

[d] The application stands disposed of.

[d] The Criminal Application No. 3498 of 2024 for permission to assist the prosecution is accordingly disposed of.

[MEHROZ K. PATHAN]
JUDGE.

grt/-