

MHST210002052026



IN THE COURT OF ADDITIONAL SESSIONS JUDGE, PHALTAN

Criminal Bail Application No. 89 of 2026

Mr. Prabhakar Hanmant Ghanwat ..Applicant

V/s.

State of Maharashtra ..Respondent

Mr. A. D. Yadav, Advocate for applicant.

Mr. V. H. Katkar, Addl. PP for the State.

Coram: Mr. S. R. Tamboli,
I/c. The Addl. Sessions Judge, Phaltan

:: ORDER BELOW EXH. 1 ::

01] In the present application, the applicant has prayed for anticipatory bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita.

02] The prosecution's case, as per the FIR, in brief, is that Resma , the informant, is the wife of accused Prabhakar. Accused Janabai is her mother-in-law. Her son, Rohan @ Sushant, is

handicapped. On 14.05.2026 at about 7:30 p.m., while the informant was preparing food for the cattle, Janabai and Prabhakar started abusing her. On her inquiry, both stated that she had destroyed their house. Prabhakar further told her that it was because of her that he had a handicapped son, and that there was no deficiency in him. Prabhakar then caught her. Janabai brought a poisonous medicine and attempted to pour it into her mouth. The informant managed to escape and ran out of the house, where she cleaned her mouth with water. Prabhakar subsequently called her brother, Ganesh, and told him to take her to his house. While proceeding to her brother's house, she felt dizzy at Pharandwadi; hence, she was shifted to Spandan Hospital.

03] In the backdrop of these facts, Mr. A. D. Yadav, the learned counsel for the applicant, submitted that there was a matrimonial dispute between the applicant and the informant. The informant raised a quarrel and made false accusations against the applicant. On account of the matrimonial dispute, she exaggerated the incident in order to increase the gravity of the offence. The bottle has already been recovered and there is no medical record to show that the poisonous medicine entered the stomach of the informant. The case is false. He prayed for the grant of bail to the applicant.

04] Per contra, Mr. V. H. Katkar, the learned Additional Public Prosecutor, submitted that the applicant harassed the informant a few days after their marriage. He argued that the statement of the informant before the police, as well as her

statement under Section 183 of the BNSS, prima facie shows that the applicant attempted to commit the murder of the informant. Contending that a prima facie case exists and that the reasons provided in the bail application are insufficient, he prayed for the dismissal of the application.

05] I have perused the police papers and the statement of the informant. According to the FIR, the accused Janabai attempted to pour a poisonous substance into her mouth while the accused Prabhakar caught hold of her. Later, when she was going with her brother, she felt dizzy and was admitted to Spandan Hospital. Spandan Hospital referred her case to the Police Inspector, Phaltan, on 14.05.2026. The said medical report indicates that the informant consumed poisonous medicine due to family tension. This initial statement of the informant is inconsistent with the theory of forced administration of a poisonous substance.

06] Earlier notarized documents are also part of the police record, which further demonstrates the existence of a matrimonial dispute. Furthermore, Rohan, the handicapped son of the informant and Prabhakar, stated that on the day of the incident, a quarrel took place between the informant and his father, during which his mother consumed the poisonous substance. His father then snatched the poisonous bottle away, after which his mother left.

07] The statement of Rohan, coupled with the report from Spandan Hospital, prima facie indicates that it was the informant

who attempted to consume the poisonous substance, and that Prabhakar snatched the bottle to prevent her from committing suicide. Therefore, there is no prima facie case under Section 123 of the BNSS. The rest of the offences alleged against the accused are not punishable by a sentence exceeding seven years.

08] The bottle containing the poisonous substance has already been seized; thus, nothing further needs to be recovered from the applicant. The applicant appears to be innocent and has not played a role in the commission of the alleged offence. The investigation and trial will take time. The applicant has a permanent residence, it is unlikely that he will abscond. Apprehensions regarding the tampering of evidence can be adequately addressed by imposing stringent conditions. In view of the above, I am inclined to allow the application and proceed to pass the following order:

ORDER

1. The application is allowed.
2. The ~~anticipatory~~ bail application is allowed. The applicant, **Prabhakar Hanmant Ghanwat**, in connection with Phaltan Rural Police Station C.R. No. 262/2026 shall be released on bail upon furnishing a Personal Release (P.R.) bond and a surety in the sum of ₹50,000/- subject to the following conditions:

(a) The applicant shall not directly or indirectly make any inducement, threat, or promise to any witness, nor shall he

tamper with the prosecution's evidence.

(b) The applicant shall attend the concerned Police Station as and when required by the Investigating Officer.

(c) The applicant and his sureties shall furnish their residential addresses and mobile numbers, and they shall not change the same without prior intimation to the Investigating Officer.

3. This order shall be communicated to the concerned Jail.

Date- 01/06/2026

(S.R.Tamboli)
I/c. Addl. Sessions Judge, Phaltan