

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO. 443 OF 2015**

|                            |                |
|----------------------------|----------------|
| Dipak Sopan Shirke @ Papad | ... Applicant  |
| Vs.                        |                |
| The State of Maharashtra   | ... Respondent |

Mr. Prashant M. Patil, Advocate for the Applicant.  
Mr. S.S. Pednekar, APP for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**  
DATE : **10<sup>th</sup> April, 2015**

**P.C.:**

This Application is moved for anticipatory bail. The applicant/accused is prosecuted for the offence of attempt to commit murder under sections 307, 504, 506 of the Indian Penal Code in C.R. No. 61 of 2015 registered with Saswad Police Station, Pune. The incident of assault has taken place on 24<sup>th</sup> February, 2015. On a trivial ground, the applicant/accused quarrelled with the injured and the matter was pacified. However, again after sometime the applicant arrived where the complainant was sitting and started abusing him by picking up quarrel and then he went home, brought sickle and mounted assault on the complainant's neck. However, nephew of the complainant saved him by placing his hand in between and he got injured. It was a grievous injury.

2. The learned counsel for the applicant/accused submitted that on the same day, the applicant/accused and his family members especially his

father was assaulted by the complainant and his group. The wife of the applicant/accused has lodged complaint of outraging modesty of a woman and assaulting father of the applicant/accused on the same day with the police and the offence was registered at C.R. No. 62 of 2015. He submitted that the applicant/accused, therefore, be granted pre-arrest bail.

3. Learned APP opposed the Application. He submitted that the applicant/accused is having one criminal antecedent at Saswad Police Station and the police wants to recover the sickle which was used at the time of offence. Hence, the custodial interrogation of the applicant/accused is required by the police.

4. On perusal of the papers, it appears that the applicant/accused took up quarrel on that day twice with the complainant and he went home and brought sickle with the intention to assault the complainant. In view of the injury sustained by Santosh, nephew of the complainant, which is grievous, it is not a case of granting pre-arrest bail, as *prima facie* case evident is shown against the applicant/accused. Hence, the Application for anticipatory bail is rejected.

**(MRS.MRIDULA BHATKAR, J.)**