

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1189 OF 2023

Sharda Suerendra Hadule

Applicant

Versus

The State of Maharashtra & another

Respondents

Mr. S. J. Salunke, Advocate for the applicant.

Mr. S. P. Sonpawale, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 1st NOVEMBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 232/2023, registered with Gangapur Police Station, Dist. Aurangabad for the offences punishable under Sections 143, 147, 148, 149, 307, 324, 323, 504, 506 of Indian Penal Code.

2. Informant reported the incident occurred on 28th May, 2023 at 3.00 pm wherein the applicant and co-accused who are neighbouring land holders of the informant caused assault on the informant and his son. First Information Report shows specific overt act against other accused except for the present applicant.

3. Learned counsel for the applicant submits that in the absence of any overt act committed by her, no offence punishable under Section 307 of Indian Penal Code can be attracted against her.

4. Though learned APP opposed the application however, from the First Information Report as well as statements of witnesses, he was unable to show any assault being caused by the present applicant on the informant or the injured.

5. In order to attract provisions of Section 307 of Indian Penal Code, there has to be some overt act committed by the applicant which is absent in the present case. Applicant is a lady with no criminal antecedents. Hence, application deserves to be allowed in terms of the interim order.

(R. M. JOSHI)
Judge