

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1335 OF 2023

Asmita Milind Jadhav

Applicant

Versus

The State of Maharashtra

Respondent

Mr. P. P. Dawalkar, Advocate for the applicant.

Mr. N. B. Patil, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 6th DECEMBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 0148/2023 registered with Virgaon Police Station, Tq. Vaijapur, Dist. Aurangabad for the offences punishable under Sections 143, 147, 149, 323, 324, 326, 504, 506 of Indian Penal Code.

2. First informant Abasaheb reported incident occurred on 20th July, 2023 at around 10.00 pm in which he and other two witnesses are said to have been assaulted by accused persons. So far as present applicant is concerned, she is apprehending arrest as it is alleged that she assaulted Jayashree on her head with stick.

3. Learned counsel for applicant submits that the applicant is a lady and having regard to the nature of injury caused to Jayashree, no offence under Section 326 of Indian Penal Code would be made out.

4. Learned APP opposed the application relying upon the statement of Jayashree as well as injury certificate.

5. Perusal of record indicates that simple injury is caused to Jayashree. As such, this Court finds that offence against applicant may not travel beyond Section 324 of Indian Penal Code. Applicant is a lady. For the purpose of recovery of stick, she shall be treated in the custody of police. Hence, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb