

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1445 OF 2023

Sunita w/o Angad Gangnar

Applicant

Versus

The State of Maharashtra & another

Respondents

Mrs. S.G. chincholkar, Advocate for the applicant.

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

CORAM : R. M. JOSHI, J.

DATE : 27th OCTOBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 364/2023 registered with Degloor Police Station, Dist. Nanded, for the offences punishable under Section 307 of Indian Penal Code.

2. Learned counsel for applicant submits that there are disputes between the parties and RCS No. 77/2023 is filed before the Civil Court at Degloor against the informant. It is her submission that the allegations against the present applicant are no sufficient to attract offence under Section 307 of Indian Penal Code. She submits that possibility of over implication / false implication cannot be ruled out.

3. Learned APP opposed the application by referring to the statement of witness as well as injury certificate. According to him, injury certificate shows that two grievous injuries were caused over the head and left side of chest of the informant. Thus, according to him, offence punishable under Section 307 of Indian Penal Code gets attracted.

4. Record indicates that there are disputes between the parties and civil proceeding is also pending. As far as present applicant is concerned, allegation against her is that she assaulted on the legs of the informant with wood. There is no allegation against her that she caused any assault on any other body part of the informant. Injury certificate does not show injury caused to both legs of informant. One injury is shown in the nature of abrasion over left leg. As far as grievous injuries are concerned, the same are not attributable to the present applicant. Applicant is a lady with no criminal antecedents. Hence, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge