



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

16 ANTICIPATORY BAIL APPLICATION NO. 301 OF 2024

Hiralal Budha Padmor

..APPLICANT

-VERSUS-

1. State of Maharashtra
2. The Superintendent of Police

..RESPONDENTS

...
Advocate for Applicant : Mr. Mayure Pramod C.
APP for Respondent/State: Ms.R.R. Tandale

...
CORAM : **SHIVKUMAR DIGE, J.**
DATE : 15th July, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.11 of 2024 registered with Nizampur Police Station, Tq. & Dist. Dhule, for the offences punishable under sections 307, 120B, 452, 504, 506 read with 34 of the Indian Penal Code (For short, "IPC").
2. It is prosecution's case that on 4th December, 2022 in the midnight at around 1 a.m. to 1.30 a.m. when the informant was in fast asleep, the applicant and co-accused tried to strangulate the informant by pressing neck of the informant by tightening rope on his neck. Due to said act, the informant woke up and he shouted. Due to his shout, the applicant and co-accused ran away from the incident spot.
3. It is contention of learned counsel for the applicant that the date of incident is 4th December, 2022. Private complaint was lodged before the trial Court on 05.12.2023. Thereafter, the Judicial Magistrate, First

Class has passed order under section 156(3) of the Code of Criminal Procedure on 3rd January, 2024 and on that order offence is registered against the applicant and co-accused. The learned counsel further submitted that there is delay of one year in lodging the complaint. The applicant has been falsely implicated in this case. Custodial interrogation of the applicant is not required, hence requested to allow the application.

4. It is contention of the learned APP that after two days of the alleged incident the complaint was lodged before the police but the police has registered it as non-cognizable offence. The applicant and co-accused tried to strangle the informant. The custodial interrogation of the applicant is required to recover the rope used in the crime, hence requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and police papers produced on record.

6. There is one year delay in lodging the complaint. In non-cognizable offence lodged before the police on 6th December, 2022, it is alleged that no strangulation was done to the informant. Considering these aspects, the custodial interrogation of the applicant is not required and I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant in connection with FIR

No.11 of 2024 registered with Nizampur Police Station, Tq. & Dist. Dhule, for the offences punishable under sections 307, 120B, 452, 504, 506 read with 34 of the Indian Penal Code, the applicant be released on executing personal bond in the sum of Rs.15,000/- with one surety of the like amount, on the following conditions :-

(a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]

sga