



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**911 ANTICIPATORY BAIL APPLICATION NO. 842 OF 2024**

1] Ajinath Rushinath Dahihande  
2] Vishal Tarachand Dahihande. .. **APPLICANTS**

**VERSUS**

The State of Maharashtra & another. .. **RESPONDENTS**

...  
Advocate for the applicants : Mr.S.J.Salunke  
APP for Respondent-State : Mr.S.A.Gaikwad  
...

**CORAM : SHIVKUMAR DIGE, J.**

**DATE : 12.06.2024**

**P.C. :**

1] When this Court expressed disinclination to grant anticipatory bail in favour of applicant no.1, the learned counsel for the applicants, on instructions, submits that he is not pressing the application in respect of applicant no.1. The anticipatory bail application is disposed of as not pressed in respect of applicant no.1.

2] The applicant no.2 apprehends arrest in connection with Crime No.0099/2024 registered with Harsul Police Station, Aurangabad for the offences

punishable under Sections 307, 353, 341, 323, 504 r/w. 34 of the Indian Penal Code [for short 'IPC'].

3] It is the prosecution case that the informant was serving as Police Constable with Local Crime Branch, Chhatrapati Sambhajanagar. On 20<sup>th</sup> April, 2024 from 9.00 a.m. to 3.00 p.m., he was with a Police Squad on duty. After his duty, while he was returning to his home at about 3.30 p.m. and when he was near Madhura Lawns, there was dispute between the first informant and applicant no.1 for taking vehicle ahead. The applicant no.1 took his vehicle ahead of first informant and blocked his vehicle and abused the first informant. The applicant no.1, assaulted the informant with fighter. Due to said assault, the first informant sustained injury on his head. Other occupant of the car of applicant no.1 pressed the neck of the informant with an intention to kill him. The passersby tried to save the informant. Thereafter, the applicants ran away from the spot of incident. It is further contention of the learned counsel for the applicants that the allegations against the applicant no.2 are that he pressed the neck of the informant. The learned counsel further submitted that the informant was the Police Constable, hence, offence under Section 307 of the IPC is registered against the applicants. Had the first informant was not Police Officer, the offence under Section 307 of the IPC would not have been registered. The learned counsel further submitted that

considering the allegations against the applicant no.2, his custodial interrogation is not required. Hence, requested to allow the application. He relied on **Siddharam Satlingappa Mhetre Vs. State of Maharashtra & others** reported in [2011] 1 SCC 694.

4] It is the contention of the learned APP for the respondent – State that applicant no.2 along with applicant no.1 assaulted the informant with fighter. Both were travelling in the same car. On trifle issue, they assaulted the informant with fighter with an intention to kill him, it shows their criminal nature. It is the further contention of the learned APP that the applicant no.2 tried to press neck of the informant with an intention to kill him. For an offence under Section 307 of the IPC, intention is sufficient and for conducting test identification parade, custody of the applicant no.2 is necessary. He requested to reject the application.

5] I have heard both the learned counsel. Perused the FIR and police papers produced on record. It appears from the FIR that the incident is happened suddenly due to taking the motor vehicle ahead of each other. The allegation against the applicant no.2 is that he pressed the neck of the informant with an intention to kill him. The medical papers produced on record do not show any sign of the injuries on the neck of the informant. The applicant no.2 has not used

any weapon to assault the informant. Considering allegations against the applicant no.2, his custodial interrogation is not required. For conducting test identification parade, custodial interrogation of the applicant no.2 is not required. The Hon'ble Apex Court in the case of **Siddharam Satlingappa Mhetre [supra]** has given parameters for granting anticipatory bail. Considering these parameters, in my view the applicant no.2 is entitled for bail as prayed and I pass the following order :

**ORDER**

- I] The application is allowed.
- II] In the event of arrest of applicant no. 2 in connection with Crime No.0099/2024 registered with Harsul Police Station, Aurangabad for the offences punishable under Sections 307, 353, 341, 323, 504 r/w. 34 of the Indian Penal Code, he be released on executing personal bond in the sum of Rs.20,000/- with one surety of the like amount, on the following condition :
- a] The applicant shall attend the concerned Police Station as and when required by the Investigating Officer.

**[SHIVKUMAR DIGE]**  
**JUDGE**