



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

**ANTICIPATORY BAIL APPLICATION NO. 1284 OF 2023**

SHUBHAM TULSHIRAM KAKADE  
VERSUS  
THE STATE OF MAHARASHTRA

...  
Mr. Dhananjay A. Naik, Advocate for Applicant  
Mr. S.V. Hange, APP for Respondent/State  
...

**CORAM : NITIN B. SURYAWANSHI, J.**

**DATE : 21<sup>th</sup> FEBRUARY, 2024**

**PER COURT :**

1. Applicant apprehends arrest in C.R. No.204/2023, registered with Mukundwadi Police Station, Aurangabad, for offence punishable under Sections 326, 325, 324, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and Sections 37 and 135 of the Mumbai Police Act, 1951.

2. FIR is lodged by Smt. Usha Mohan More, alleging that she has taken house of Tarabai Kakade on rent and staying there along with her husband Mohan More and son Adarsh since last one year. They have purchased 1400 sq. ft. plot in front of the rented house and they were to start construction on the said plot. However, her landlord Tarabai did not like that informant has purchased the plot. Therefore, Tarabai started giving trouble by stopping water supply and abusing informant and her family members. On 17/05/2023, their water supply was stopped.

Therefore, on 18/05/2023 when informant asked Tarabai as to why their water supply is stopped, Tarabai and her daughter Pratibha abused her. Accordingly informant and Tarabai lodged complaint against each other at Mukundwadi Police Station. At 02:30 p.m. when her husband was standing outside her house, Tarabai's son-in-law holding axe rushed at her husband. He damaged their vehicle with the said axe. At 09:30 p.m. Tarabai, her son Shubham Kakade, Pratibha Kakade, son-in-law of Tarabai, two daughter-in-laws of Dabhade who stays in front of Tarabai, one person wearing white shirt and three other persons whose names were not known, came in front of house of informant and said that they are Vatandars and they will see as to how informant constructs house on the plot purchased by them. Then they assaulted with sticks and bricks. Her husband received stick blow on head. Applicant Shubham Kakade assaulted with axe on the left leg of informant, due to which informant suffered fracture.

3. Heard learned advocate for applicant and learned APP for respondent / State. Perused the investigation papers.

4. Learned advocate for applicant submits that husband of informant is a police constable and at his instance false case is registered against applicant. In fact, applicant's side has lodged various complaints against informant and her family members.

5. Perusal of investigation papers reveal that informant has suffered a fracture injury on her left leg, so also, contused lacerated wound to which four stitches were required. She has also suffered blunt trauma on right hand, hip, forehead, face and head. Her husband has suffered blunt trauma on head, ear, hands and legs. Against applicant, allegation is that he assaulted informant with axe and caused injuries to her. *Prima facie*, medical certificate supports the said allegations. Axe used by applicant is yet to be recovered.

6. Considering applicant's complicity in present crime and serious accusations levelled against him, for effective investigation applicant's custodial interrogation is necessary.

7. Application is, therefore, rejected. Interim protection granted to applicant stands vacated.

**(NITIN B. SURYAWANSHI, J.)**