



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 ANTICIPATORY BAIL APPLICATION NO. 1391 OF 2024

Shahajaha W/o Naserkhan Pathan
VERSUS
The State of Maharashtra and another

...
Advocate for Applicant : Mr. Shaikh Rauf Shaikh Rasul
APP for Respondents: Mr. P.P. Dawalkar
.....

CORAM : SHIVKUMAR DIGE, J.
DATED : 20th SEPTEMBER, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No.107 of 2024 registered with Kadim Jalna Police Station, district Jalna, for the offences punishable under Sections 307, 143, 147, 148, 149, 324, 504, 506, 427 of the Indian Penal Code and under Sections 4/25 of the Indian Arms Act.

2. It is prosecution's case that the informant and the applicant are residing adjacent to each other. The branches of tree of the applicant were overlapping the house of the informant; therefore, the informant cut it. On 20.3.2024, the informant was cutting the branches of tree at that time, the applicant came there and asked the informant why he is cutting the branches of said tree and abused the informant. When the informant asked the applicant why she is abusing, at that

time, the applicant's husband and her son i.e. co-accused came there with sword and iron rod. It is alleged that the applicant assaulted the informant and gave a blow of knife on the stomach of the informant whereas co-accused assaulted the informant with sword and iron rod. The applicant and co-accused had intention to kill the informant. Due to the said assault, the informant has sustained serious injuries and his thumb has been cut.

3. It is contention of learned counsel for the applicant that the applicant has been falsely implicated in this case. The allegations against the applicant are that she gave blow of knife on the stomach of the informant but the injury certificate does not show any injury on the stomach of the informant. Considering the allegations against the applicant, her custodial interrogation is not required and requested to allow the application.

4. It is contention of the learned APP that quarrel started due to the abuse by the applicant to the husband of the informant and her three sons. The co-accused assaulted the informant with sword, and iron rod with intention to kill him. Due to said assault, the informant has sustained grievous injuries. The applicant assaulted the informant with knife on stomach, which shows involvement of the applicant in the crime. The custodial interrogation of the applicant is

required and requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and police papers produced on record. The allegations against the applicant are that she assaulted the informant with knife on his stomach. The injury certificate of the informant produced on record shows that he has not received injury on the stomach. Considering this fact, 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 crime No.107 of 2024 registered with Kadim Jalna Police Station, district Jalna, for the offences punishable under Sections 307, 143, 147, 148, 149, 324, 504, 506, 427 of the Indian Penal Code and under Sections 4/25 of the Indian Arms Act, the applicant 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.

6. It is made clear that the observations made in this order are prima facie in nature only for the purpose of deciding this bail application and the trial court shall not get influenced by the same while concluding the trial.

(SHIVKUMAR DIGE, J.)

rlj/