



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1924 OF 2023

Baban Kumbharaj Bothe

....Applicant

VERSUS

The State of Maharashtra
and another

.....Respondents

.....
Mr. N.C. Garud, Advocate for the Applicant
Mr. S.B. Jadhav, APP for Respondents – State
Mr. R.S. Kasar, Advocate for Informant

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 08th FEBRUARY, 2024

ORDER :

1. Applicant apprehends arrest in connection with Crime No.1147 of 2023 registered with Kotwali Police Station, District Ahmednagar for offence punishable under sections 307, 323, 506 of the Indian Penal Code.

2. FIR is lodged by wife of applicant namely Pushpa Baban Bothe contending that she is residing separately from applicant as there are differences between them. Applicant is addicted to liquor. Informant runs the shop namely, Swapnil Super Market. On 22.09.2023 at about 15.30 Hrs., when informant, her daughter, Preeti, grandson and son-in-law were present at her house, applicant came there and demanded gold

from informant. When she refused, applicant quarreled with her. He assaulted informant by knife and gave knife blow on her throat, right forearm, wrist, left cheek and left eye. When daughter Preeti tried to save informant, applicant also attacked her and seriously wounded her by inflicting knife blow on her throat. From the hospital, informant lodged the FIR.

3. Heard learned advocate for applicant, learned APP for respondents – State and learned advocate for informant. Perused the investigation papers.

4. Learned advocate for applicant submits that even applicant is injured in the incident and he was hospitalized for 21 days. He has suffered wrist fracture injury so also blunt trauma on chest, contusion on left lung and abrasion on lower lip and chin, for which he has lodged cross FIR, which is registered at Crime No.1262 of 2023 for offences punishable under sections 326, 323, 504, 506 read with 34 of the Indian Penal Code with Kotwali Police Station. He submits that the investigation is almost complete and applicant has co-operated in the investigation, and therefore, his custody is not necessary.

5. Investigation papers reveal that due to assault by applicant, informant-wife has suffered multiple incised wounds over neck, right side shoulder, and three wounds on left side on her back. His daughter Preeti has suffered incised wound over the neck, which exposed muscle. She also had numbness in left ear. Injury certificates of informant and her daughter therefore confirm that applicant has assaulted both of them with knife.

6. It appears that applicant has suffered injuries, when he attacked informant and daughter. Only because applicant has suffered injuries, he is not entitled for discretionary relief of anticipatory bail. Considering the allegations and involvement of applicant in serious offence, custody of applicant for effective investigation is necessary.

7. Application is therefore rejected.

8. Interim protection stands vacated.

[NITIN B. SURYAWANSHI]
JUDGE