



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 363 OF 2025

Hiralal s/o Babulal Jaiswal,
Age : 54 years, Occupation Agri.,
R/o. Dahegaon, Taluka Kannad,
District Aurangabad.
At present- Plot No. 16, H.No.2458,
Hind Park, Sawangi, Taluka Phulambri,
District Aurangabad.

... Applicant
[Orig. Accused]

Versus

The State of Maharashtra
Through the Police Inspector,
MIDC Waluj Police Station,
Taluka and District Aurangabad.

... Respondent

.....
Mr. V. S. Wakale, Advocate for the Applicant.
Mr. V. J. Jaware, APP for Respondent-State.
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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 21.03.2025

Pronounced on : 24.03.2025

ORDER :

1. Instant application is for enlargement on regular bail on account of arrest of applicant in crime no. 0794 of 2024 registered at M.I.D.C. Waluj Police Station, District Chhatrapati Sambhajnagar for offence under Sections 109, 85, 351(2), 352 r/w 3(5) of The Bharatiya Nyaya Sanhita, 2023 (BNS).

2. Learned counsel submitted that applicant is arrested on 25.11.2024 in an occurrence which allegedly took place on 02.09.2024. It is submitted that present applicant is father-in-law of Priyanka. Mother of Priyanka has set law into motion alleging that on 02.09.2024, there was assault on her son and daughter in the backdrop of failure to pay money for conducting shop business. Learned counsel submitted that, it is alleged that there was visit at 4.00 p.m. but no untoward incident took place at such time. That, subsequently it is alleged that, at 05.00 p.m. present applicant again went to the house of informant for money and that injuries were caused on daughter and son of informant.

3. Learned counsel submitted that injury certificate is not from Government hospital, but is from private hospital. That, there is no eye witness. Injured are already discharged. That, in MLC, details of occurrence are not given. Knife is seized from the house of informant itself. That, now investigation is over and charge sheet is filed on 07.01.2025 and when nothing is to be recovered, learned counsel seeks grant of bail.

4. While opposing the bail application, learned APP pointed out that applicant is father-in-law of injured Priyanka, i.e. daughter of informant. That, earlier, Rs.5,00,000/- were given to applicant for conducting business. However, there was further demand of Rs.1,00,000/- and repeatedly such demand was raised and threat was issued that Priyanka will not be taken back unless above demand was met and moreover, murderous assault is carried out on daughter and her brother, i.e. son of informant. Learned APP pointed out that grievous injuries are suffered by both and their injury certificates are placed on record. Resultantly, for above reasons, application is opposed.

5. Heard. Perused the papers. FIR dated 03.09.2024 entertained by M.I.D.C. Waluj Police Station is at the instance of one Sarika Sanjay Jaiswal, wherein she reported that her daughter Priyanka was married one and half years back. That, her daughter's father-in-law, i.e. present applicant, asked daughter in law to bring Rs.1,00,000/- for cloth business. She was threatened to not to return unless demand is met. It is reported that on 02.09.2024 at 04.00 p.m., applicant came and abused Priyanka and went, and again came back at 05.00 p.m. and then hurled abuses, which was objected by informant's

daughter Priyanka and son Yash. But applicant inflicted blows with knife on both, daughter and son of informant. Hence the report.

6. Injury certificate shows that Yash suffered 5 CLW injuries, two out of which are grievous and rest are simple. Whereas, Priyanka suffered 6 CLW injuries but all are grievous. Taking the same into consideration, though charge sheet is filed, this court is not inclined to grant bail at this stage. Hence, I proceed to pass the following order :

ORDER

The application is rejected.

[ABHAY S. WAGHWASE, J.]

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