



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 ANTICIPATORY BAIL APPLICATION NO. 1181 OF 2025

1. Subhash s/o Shridhar Thorat
 2. Minabai w/o Subhash Thorat
- ...APPLICANTS**

VERSUS

The State of Maharashtra

...RESPONDENT

- ...
- Mrs. Charuta Sunil Deshmukh, Advocate for the Applicants
 - Mr. M. K. Goyanka, APP for the Respondent/State
- ...

CORAM : ABHAY S. WAGHWASE, J.

DATE : 26 AUGUST 2025

P. C. :-

1. This is a pre arrest bail application at the instance of the applicants, apprehending arrest in Crime bearing FIR No.0188 of 2025 registered with Paithan Police Station, District Chhatrapati Sambhajnagar under Sections 118(2), 115(2), 352, 351(3) r/w 3(5) of Bhartiya Nyaya Sanhita, 2023.

2. The learned counsel for the applicants submit that there is false implication. That, there is dispute over taking away bricks and sand. In alleged occurrence dated 31.05.2025, there are allegations that present applicant No.1-Subhash quarreled and then hit the informant with a brick which was

already lying there. Thus, according to learned counsel for the applicants, the occurrence was sudden. The article lying there was picked up and it was not premeditated occurrence. He further pointed out that, as regards the allegations against applicant No.2-Minabai are concerned, she has allegedly used wooden plank to hit the informant near his right wrist, causing injuries which are simple in nature. That, considering such nature of allegation, which took place all of a sudden, custodial interrogation is not necessary, moreover, when both applicants are ready to co-operate with the investigation and abide all conditions imposed on them by this Court.

3. The learned APP opposed the above application on the ground that all applicants are specifically named. That, there roles are crystallized. There is use of brick in hitting on the head and causing bleeding injury.

4. Heard. Perusal of the FIR dated 01.06.2025 shows that the occurrence is of 31.05.2025 at around 5.30 p.m. The informant-Prakash has reported to the police that on above date and time, his neighbor Asaram Sarjerao Jadhav, Subhash Thorat i.e. present applicant No.1 came under the influence of liquor and questioned the informant for taking away bricks, sand etc. and abused him. For questioning abused, it is alleged that, they both initially made him fall and gave him kicks and fist blows. As regards, applicant

No.1-Subhash is concerned, it is alleged that he picked up a brick lying there and hit it on the head of the informant. The accused Minabai i.e. wife of applicant No.1 allegedly picked up a wooden plank and she also hit the informant near right wrist, causing injury and therefore, informant was required to be taken to the Hospital.

5. Resultantly, on going through the FIR, it is clear that occurrence has taken place all of a sudden. Articles lying on the spot, namely brick and wooden plank, are allegedly put to use. On perusal of injury certificate, it is seen that the informant has suffered blunt trauma on the face and right hand. Though injury on the right hand is shown to be grievous in nature, considering the site of injury as well as above discussion about the incident taking place all of a sudden and not to be premeditated, this Court is of the opinion that custodial interrogation is not necessary and further investigation can be carried out by securing presence of the applicants. Accordingly, the following order is passed :

ORDER

(i) Anticipatory Bail Application is allowed.

(ii) In the event of arrest of applicants in connection with Crime bearing FIR No.0188 of 2025 registered with Paithan Police Station, District Chhatrapati Sambhajinagar under Sections 118(2), 115(2),

352, 351(3) r/w 3(5) of Bhartiya Nyaya Sanhita, 2023, they shall be released on executing P.B. and S.B. of Rs.15,000/- each with one surety each in the like amount.

(iii) The applicants shall attend the concerned Police Station as and when called by the Investigating Officer till filing of charge-sheet and shall co-operate in the investigation.

(iv) The applicants shall not tamper the prosecution evidence.

(ABHAY S. WAGHWASE, J.)