



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

955 ANTICIPATORY BAIL APPLICATION NO. 1807 OF 2024

Akshay Hiralal Shinde & anotherApplicants

VERSUS

The State of Maharashtra & anotherRespondents

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Mr. R. R. Karpe, Advocate for Applicants.

Mr. D. B. Bhange, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 8th JANUARY, 2025.

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 0575/2024 registered with Karjat Police Station, District Ahmednagar for the offences punishable under Sections 109, 118(1), 352 and 351(2) of the Bharatiya Nyaya Sanhita.

2. Applicants are brother-in-law and sister-in-law of informant. Informant claims that on 12.09.2024 at about 8.15 am, Applicants entered their house and over a trivial issue they abused her. At that time, Applicant No. 2 went to her house and brought a stick and handed over it to Applicant No. 1. Applicant No. 1 assaulted informant as well as her husband. In the said assault,

informant sustained injuries to her head. Offence came to be registered against Applicants for attempting to commit murder of informant.

3. Learned counsel for informant submits that the incident had occurred in the fit of moment. It is his submission that even if contention of informant is accepted as it is, it cannot be said that offence of attempt to commit murder is made out against them. He claims that there is no criminal history behind the Applicants. It is his further submission that in any case, the stick allegedly used in the assault is seized and as such custodial interrogation of the Applicants is not necessary.

4. Learned APP opposed the application by pointing out injury caused to the informant on her head which is a grievous injury. He apprehends that since the Applicants and informant are closely related and residing nearby, possibility of recurrence of incident is not ruled out.

5. Prima facie perusal of First information Report indicates that there is some dispute between the parties. The incident of

assault is preceded by altercations between them. There is a single injury caused on the head of the informant. Having regard to these facts, this Court finds prima facie substance in the contention of learned counsel for the Applicants that the offence of attempting to commit murder may not get attracted. These observations are only prima facie observations and the Trial Court shall not be bound by the same.

6. In any case, the alleged weapon used in the crime is seized. Applicants have no criminal history behind them. They are not likely to flee from justice. In view of these facts, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb