

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 169 OF 2025

Lalu Davji Wadiya	...Applicant
<u>VERSUS</u>	
The State of Maharashtra	...Respondent

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Mr. Aishwarya A. Adhikari , Advocate for the Applicant.

Mr. C. D. Mali, A.P.P, for the Respondent – State.

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CORAM : N. R. BORKAR, J.
DATE : 05.02.2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. I- 61 of 2022 registered at Saphale Police Station, Dist- Palghar for the offences punishable under Sections 307 and 504 of the Indian Penal Code.
3. The injured in the present case is the wife of the present applicant. It is alleged that on the date of the incident, which took place on 03.07.2022, the injured was asking the applicant to give her divorce as he was suspecting her character. It is alleged that the applicant got annoyed and assaulted her by iron hammer and attempted to kill her.
4. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.

5. The learned counsel for the applicant submits that the injured in her statement recorded under Section 164 of Cr.P.C has stated that on the date of incident she sustained injury in question, as during scuffle with the present applicant, she fell down on cement pole. It is submitted that the applicant is in jail for more than two years and six months and there are no other criminal antecedents against the applicant.

6. On the other hand, the learned APP for the respondent-State submits that there is material to show that the injured was assaulted by the iron hammer. It is further submitted that there is recovery of said iron hammer at the instance of the present applicant. It is submitted that, considering the nature of offence the applicant may not be released on bail.

7. I have perused the statement of the injured recorded under Section 164 Cr.P.C. wherein she has not attributed the injury to the present applicant. The applicant is in jail for two years and six months and there are no other criminal antecedents against the applicant.

8. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. In the result, the following order is passed:

ORDER

A] The Application is allowed.

B] The applicant be released on bail in Crime No. I- 61 of 2022 registered at Saphale Police Station, Dist- Palghar for the

offences punishable under Sections 307 and 504 of the Indian Penal Code, on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

9. Application stands disposed of accordingly.

(N. R. BORKAR, J.)