

Rekha w/o Baburao Kongle ... **Applicant**
Age 46 years, Occu: Household
R/o H. No. 214, Lane No.2,
Opp. Navnathnagar, Garkheda,
Tq. & Dist. Aurangabad

1. The State of Maharashtra, ... Respondents
Through Mukundwadi Police Station,
Aurangabad

CORAM : V. G. BISHT, J.
DATE : 18th August, 2021.

1. This is an application under section 438 of the Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No.229/2021 registered with Mukundwadi Police District Aurangabad for the offences punishable under Sections 420, 406, 506, 34 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Dowry Prohibition Act.

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refused to go ahead with the marriage ceremony as, according to them, the informant's daughter was not liked by them, however, they put a condition that if more monies are given in the marriage ceremony then only it will be performed.

3. Mr. M. L. Wankhede, learned counsel for the applicant, submits that having regard to the nature of allegation, custodial interrogation is not necessary. Hence, the application deserves to be allowed.

4. Mr. A. V. Deshmukh, learned A.P.P., submits that there was demand of dowry since beginning and even after incurring expenses in the engagement ceremony, the applicant and her family members refused to go ahead with the marriage ceremony. In this circumstance, the present application does not deserve consideration.

5. The perusal of the record would show that the marriage was allegedly broken by the applicant and her family members on the pretext that the daughter of the informant was not liked by them so also they were allegedly demanding more monies if the marriage ceremony was to go ahead.

6. Essentially, the nature of allegations does not warrant custodial interrogation and this being so the present application deserves to be allowed.

7. For the aforesaid reason, I pass the following order.

O R D E R

- i. In the event of arrest of the applicant in connection with Crime No.229/2021 registered with Mukundwadi Police District Aurangabad for the offences punishable under Sections 420, 406, 506, 34 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Dowry Prohibition Act, the applicant is directed to be enlarged on bail on his furnishing P.R. Bond of Rs.20,000/- [Rs. Twenty thousand only], with one or two solvent sureties in the like amount.
 - ii. The applicant shall attend concerned police station as and when called and shall cooperate with the police in the investigation.
8. Application stands disposed of in the aforesaid terms.

(V. G. BISHT, J.)

JPC