

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

918 ANTICIPATORY BAIL APPLICATION NO.438 OF 2022

BASANTI ANNASAHEB KANWADE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Ms. Sonawane Sunita G.
APP for Respondent-State : Mr. A. A. Jagatkar.
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CORAM : S. G. MEHARE, J.
DATE : 30.06.2022.

PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the State.
2. Learned counsel for the applicant would submit that considering the role played by the applicant, nothing is to be recovered and discovered from her. The FIR reveals that she reached on the spot after the so called assault by her husband. Bare allegations of slapping have been levelled against her. Her husband has already been arrested and the weapon i.e. axe has been seized. Therefore, the interim protection granted to her by this Court may be confirmed.
3. Learned APP would submit that there are two crimes to discredit of the applicant. There were always the quarrels in

two families for the way in the field. The applicant is the wife of co-accused. Therefore, there may be mess, hence, she may not be granted protection.

4. The FIR itself speaks the role allegedly played by the applicant. She reached on the spot after the alleged assault by her husband. Mere allegation of slapping have been made against her. Considering the allegations levelled against the applicant and the seizure of the axe, the prosecution may not require the custodial interrogation of the applicant. The applicant has been protected from 27.04.2022. There is no material against her to have a custodial interrogation. Hence, the following order :

ORDER

- (i) The application is allowed.
- (ii) The interim protection granted to the applicant **Basanti Annasaheb Kanwade** by the order dated 27.04.2022 stands confirmed on the same terms and conditions.

(S. G. MEHARE, J.)

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vmk/-