

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

20 ANTICIPATORY BAIL APPLICATION NO.492 OF 2022

JAYABAI @ ANJU SHANKARLAL RAJPAL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicants : Mr Parikshit P. Dawalkar
APP for Respondent/State: Mr V.M. Kagne

CORAM : S. G. MEHARE, J.

DATE : 27th JUNE, 2022

PER COURT :

1. Heard the learned counsel for the applicants and the learned APP for the State.

2. The F.I.R reveals that the son of the first informant married the daughter of the applicant. The first informant and her family were not in favour of their marriage, and they performed the marriage and fled away without knowing their family. The incident happened on 14.02.2022. The males from the accused family went to the house of the first informant with an iron rod and bottle filled with petrol. Applicant No.1 Anju said to the first informant that she knew where her son was. She was forcing her to call him. The complainant told them that she did not know anything about their marriage. So, applicant Anju and applicant Karu slapped her. Except slapping the complainant, they have played no role in the alleged incident.

3. The State has opposed the application contending that the offence is serious. The applicants were the instigator of the crime, resulting in serious injuries to the first informant. Therefore, the applicants have no case for bail.

4. As discussed above, the dispute arose out of the marriage between the son of the first informant and the daughter of the applicants. The applicant's family insisted the first informant call her son, who eloped with their daughter. The FIR, reveals no allegations of committing the offence at the hands of the applicants. In view of the allegation, the prosecution appears to have no case for custodial interrogation of the applicants. There shall be no harm to the prosecution, if the interim relief granted to them is confirmed.

5. Hence, the following order :-

- (i) The application is allowed.
- (ii) The interim order dated 06.05.2022 granting interim protection to the applicants is confirmed on the same terms and conditions except for their attendance on the call by the Investigating Officer on written notice.

[S. G. MEHARE, J.]

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