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

916 ANTICIPATORY BAIL APPLICATION NO.580 OF 2022

**RAHUL DAIVAVAN DOIPHODE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA**

Mr. Yogesh B. Bolkar, Advocate for applicants;
Mr. S.B. Narawade, A.P.P. for respondent

CORAM : S. G. MEHARE, J.

DATE : 21st June, 2022

P.C.

1. Heard the learned Counsel for the applicants and the learned A.P.P. for the respondent.

2. On perusal of the allegations levelled in the first information it appears that there was a matrimonial discord between the complainant and the husband-applicant no.1. She was residing with her parents. However, she alleged that she was treated well for 1-1/2 months after her marriage and thereafter the applicants started demanding her Rs.10 Lakh to purchase a vehicle, utensils and household articles. She has also alleged that she had been driven away from the house of the applicants. On 13.12.2021, when she was

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residing with her husband, her in-laws instigated him, so he beat her mercilessly. She had suffered bleeding from her ear and a trauma on back, head and ear. That day, she was driven away from the house. The medical report reveals the simple injuries and one injury has been shown as grievous.

3. The learned Counsel for the applicants would submit that the complainant had left the house of applicant no.1 and, therefore, he had served a notice upon her on 1.2.2021, calling upon her to join his company, but she did not join. The allegations levelled against the applicants no.2 and 3 are false and a concocted story. The complainant was not interested to cohabit with applicant no.1 husband. The custodial interrogation of the applicants no.2 and 3 is not necessary.

4. The learned A.P.P., relying upon the injury would submit that a grievous injury has been caused to the complainant. The offence is serious. The complainant has been harassed physically and mentally. There was a demand of dowry. It is an offence against the society. Hence, the application be rejected.

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5. At the outset, it is stated that this Court, while granting interim protection to the applicants no.2 and 3 by order dated 6.5.2022, has rejected the present application in respect of applicant no.1 at the threshold. Perusal of the first information report reveals that applicants no.2 and 3 were not residing with applicant no.1. Mere allegations of instigating the applicant no.1 have been levelled against applicants no.2 and 3 by the complainant. In the facts of the case, the custodial interrogation of applicants no.2 and 3 appears not necessary. Hence, the application deserves to be allowed. I, therefore, pass the following order:-

- I) The Application is allowed.
- ii) The interim protection granted to the applicants no.2 and 3 by order dated 6.5.2022 is confirmed on the same conditions.
- iii) Hamdust allowed.

(S. G. MEHARE, J.)

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