

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1081 OF 2022
WITH APPLN/2861/2022 IN ABA/1081/2022

SURESH PUNJARAM KAPARE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Narendra B. Patekar
APP for Respondent : Mr. K. S. Patil
...

CORAM : S. G. MEHARE, J.

DATE : 12-09-2022

PER COURT :-

1. Heard the learned counsel for the applicants and the learned A.P.P. for the respondent/State with the learned counsel to assist the learned A.P.P.
2. The learned counsel for the applicants would submit that the applicants are in-laws of the deceased. It has been alleged in the first information report that the deceased wife had an affair with some one. Therefore, the parents-in-law and husband of the deceased were asking the parents of the deceased to explain her. The incident happened in the house of the complainant when the husband and deceased were in the room. The first information report reveals that after the incident, the husband took the deceased to the hospital immediately since she had consumed

some poisonous substance. It also appears that the family dispute was on account of the extra marital affair of the deceased. Therefore, the applicant's son was not allowing her to speak on the phone. In view of the allegations levelled against the applicant, the custodial interrogation of the applicants is not essential.

3. The learned counsel for assisting the learned A.P.P. has vehemently argued that the incident happened after two months from the marriage. There are allegations of demand of dowry and harassment for the same. The young lady has lost the life. The false allegations of extra marital relations is the cause for finishing the life.

4. Perused the papers and documents placed on record. The facts have been discussed in detail in the above paras. There is material on record that some middle man was also called to settle the dispute. The first information report itself reveals that the husband used to go to her parent's home. The incident happened in the house of the complainant. Considering the role attributed to the applicants, the Court is of the view that their custodial interrogation would serve no purpose. Hence, the following order :-

- i) The application is allowed.
- ii) The *interim* protection granted to the applicants by the order dated 12.08.2022 is confirmed on the same terms and conditions.

iii) For the reasons stated in the application, Criminal Application No. 2861 of 2022 is allowed.

(S. G. MEHARE)
JUDGE

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