

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1285 of 2022

1) Kamal Vilas Karpe
2) Vilas Sahadu Karpe

...Applicants

Versus

The State of Maharashtra and Anr.

...Respondents

...

Mr. Rushikesh Mundargi i/b., Mr. Jayant Bardeskar for the Applicants.
Ms G.P. Mulekar, APP for Respondent No.1-State.
Mr. Shyam Maske, API, Chikhli, police station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 25th AUGUST, 2022.

P.C.:-

1. This is an application under Section 438 of Cr.P.C. filed by the aforesaid Applicants apprehending their arrest in Crime No.161 of 2022 registered with Chikhli Police Station, District-Pimpri Chinchwad, for the offences punishable under Sections 306, 498-A, 504 and 506 r/w. 34 of the IPC.

2. The Applicants are the in-laws of Amruta, who committed suicide on 12/04/2022. Marriage of Mukunda, son of the Applicants and said Amruta was solemnised on 28/03/2016 and a child was born from the said wedlock in the year 2017. Said Amruta committed suicide on 12/04/2022. The mother of the deceased Amruta lodged the FIR

alleging that the Applicants herein had demanded dowry and subjected Amruta to cruelty and abetted her suicide. Pursuant to the FIR, the aforesaid crime came to be registered. Apprehending their arrest, the Applicants filed an application for bail before the learned Sessions Judge, which came to be rejected. Hence, the present application.

3. Heard Mr. Rushikesh Mundargi, learned counsel for the Applicants and Ms G.P. Mulekar, learned APP for Respondent No.1-State. Perused the records and considered the submissions advanced by the learned counsel for the respective parties.

4. Perusal of the complaint prima facie reveals that Amruta did not know to cook and to do other household work. The Applicants had brought this fact to the notice of parents of the deceased within one and half month from the date of the marriage. It is alleged that the Applicants had complained that the deceased would get up late in the morning and she would back-answer the Applicants. Such accusations were allegedly made in the year 2017. Though it is alleged that the Applicants had demanded Scorpio Jeap from the deceased, the statements of the neighbours including the statement of husband, who is cited as one of the witnesses, prima facie reveal that there was no such demand.

5. Material on record prima facie reveals that the deceased had got up late on the date of the incident due to which there were some arguments and altercation between the deceased and the Applicants. Suffice it to say that casual or routine remarks or quarrel in matrimonial home would not prima facie constitute 'abetment' within the meaning of Section 107 of the IPC. Hence, the Applicants are entitled for pre-arrest bail on the following terms and conditions:-

(i) In the event of arrest of the Applicants in Crime No.161 of 2022 registered with Chikhli Police Station, District-Pimpri Chinchwad, the Applicants are ordered to be released on bail, on furnishing bail bonds in the sum of Rs. 25,000/- each with one or two sureties each to the like amount.

(ii) The Applicants shall report to the Investigating Officer as and when called for.

(iii) The Applicants shall keep the Investigating Officer informed of their current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)