



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

950 ANTICIPATORY BAIL APPLICATION NO. 751 OF 2024

1. Kalpana W/o. Kaduba More
2. Rupali W/o. Sominath Tayade ..APPLICANTS
-VERSUS-

1. State of Maharashtra
2. The Superintendent of Police ..RESPONDENTS

Advocate for Applicants : Mr. Mohit R. Deshmukh
APP for Respondent/State: Ms.V.S. Chaudhari

...
CORAM : **SHIVKUMAR DIGE, J.**

DATE : 11th July, 2024.

P.C.:

1. The applicants apprehend arrest in connection with FIR No.0130 of 2024 registered with Police Station, Phulambri (Aurangabad Rural), Dist. Chatrapati Sambhajinagar, for the offences punishable under sections 304(B), 498A read with 34 of the Indian Penal Code (For short, "IPC") and sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. It is prosecution's case that informant's daughter was married with accused no.1 prior to one and half month of the incident. During that period, she was mentally and physically harassed by the applicant and co-accused. It is alleged that the applicants and co-accused were harassing the daughter of the informant for demand of amount of Rs.3,00,000/- for purchase of flat. Due to continuous mental and physical harassment, the deceased daughter of the informant committed suicide. The applicant no.1 is mother-in-law of the deceased and applicant no.2 is sister-in-law of the deceased.

3. It is contention of learned counsel for the applicant that the applicant and her husband i.e. accused no.1 were staying separately after marriage at Kokari. The applicants never residing with deceased and accused no.1. The applicants have been falsely implicated in this case. The general allegations are made against the applicants. The custodial interrogation of the applicants is not required, hence requested to allow the application.

4. It is contention of the learned APP along with the learned counsel for assisting to P.P. that the applicants are mother-in-law and sister-in-law of the deceased. They were harassing the deceased for bringing the amount of Rs.3,00,000/- for purchase of flat. The deceased had told about harassment by the applicants to her father i.e. informant. The learned APP further submitted that within one and half month of marriage, the deceased has committed suicide, it shows that she was mentally and physically harassed to that extent. The learned APP further submitted that the husband of deceased is threatening the informant and his family members. Custodial interrogation of the applicants is required, hence requested to reject the application.

5. I have heard all the learned counsel. Perused the F.I.R. and police papers produced on record.

6. In the F.I.R. it is alleged that deceased and her husband were residing separately. The incident is happened within one and half

month of the marriage. It does not appear from the police papers produced on record that the applicants were staying with the deceased and her husband. It appears that applicant no.2 is married and she was residing with her husband at Sillod. It appears that as the family member of the accused no.1 i.e. husband of the deceased name of the applicants mentioned in the F.I.R. Considering all these aspects, custodial interrogation of the applicants is not required and I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicants in connection with FIR No.0130 of 2024 registered with Police Station, Phulambri (Aurangabad Rural), Dist. Chatrapati Sambhajinagar, for the offences punishable under sections 304(B), 498A read with 34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act, 1961, the applicants be released on executing personal bond in the sum of Rs.15,000/- each with one surety of the like amount by each of them, on the following conditions :-
 - (a) the applicants shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]