

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

**932 BAIL APPLICATION NO.282 OF 2022**

**VIKRAM JIJABHAU KAKDE  
VERSUS  
THE STATE OF MAHARASHTRA**

Shri. H. D. Deshmukh, Advocate for the applicant  
Shri. V. S. Badakh, APP for the respondent/State

**CORAM : M. G. SEWLIKAR, J.  
DATED : 15<sup>th</sup> March, 2022**

**PER COURT :-**

1. Heard.

2. By this application applicant is seeking his enlargement on bail in connection with Crime No. 0119 of 2021 registered with Mahur Police Station, District Nanded for the offences punishable under Sections 304-B, 498-A read with Section 34 of the Indian Penal Code.

3. Deceased Deepali was married to the son of the applicant by the name of Amol Vikram Kakade on 6<sup>th</sup> June, 2021.

4. Applicant is the father-in-law of the deceased Deepali.

After 13 days of marriage deceased Deepali had been to her maternal place. None of the family members of the applicant had been to the maternal place of the deceased to take her back. Therefore, deceased Deepali was reached to her matrimonial place on the next day of Panchami. At that time, applicant asked her as to why she had come back. Deceased Deepali had brought with her the video of her marriage. However, her mother-in-law refused to watch it. Her mother-in-law would say that she was not properly honoured in the marriage. She started passing sarcastic remarks at her. Deepali was subjected to illtreatment. Applicant and other family members used to find fault with her cooking. Her mother-in-law prevented her from taking tea containing milk. At the time of festival Laxmi i.e. Gouri Ganpati her mother-in-law and her husband had demanded idol of Laxmi of gold. Since the informant, the father of the deceased, could not afford to give idol of gold, he gave idol Laxmi of silver to the husband of the deceased.

5. On 12<sup>th</sup> September, 2021 at 06.00 p.m. when Deepali was cooking, her mother-in-law and her husband subjected her

to beating for as she failed to bring idol of Laxmi of gold. She was not provided with food. The chapatis which were prepared there thrown out by the mother-in-law. In the night of 20<sup>th</sup> September, 2021, applicant, husband of deceased Deepali and her mother-in-law demanded Rs.5 lakhs for expansion of garage of her husband. When she refused, she was subjected to beating by applicant, his wife and his son. On 20<sup>th</sup> September, 2021 applicant informed the informant about the suicidal death of the deceased.

6. Shri. Deshmukh, learned counsel for the applicant submits that false allegations are made against the applicant. He submits that statement of neighbors of the applicant have been recorded. This statement shows that the deceased had no illtreatment from the applicant. One of the persons who has given statement is the tenant of the informant. He also does not say that there used to be hot exchange of words between the applicant, her husband and Deepali. He submits span of marriage was only three months. Out of which deceased lived with her parents for one and half months. He submits that considering the quantum of punishment, applicant be released

on bail.

7. Learned APP Shri. Badakh submits that informant had given idol of silver as he could afford idol of gold. He submits that deceased was subjected to illtreatment on account of failure to meet their unlawful demand of Rs.5 lakhs. He submits that there is cogent evidence to connect the applicant with the offence.

8. So far as allegations against the applicant are concerned they are general in nature. No specific act is attributed to the applicant. Statement of neighbors of the informant shows that informant was not at the house when the incident took place. Allegations against the applicant are vague and general in nature. The only allegation against the applicant is that he had asked the applicant as to why she had come back. This is the only allegations against the applicant. He has alleged to have beaten deceased along with her parents-in-laws and her husband. From the allegations in the FIR it appears that main allegations are against mother-in-law and her husband. They have not preferred application for bail as of now. Having regard

to the omnibus allegations, and the fact that the applicant is behind bars for more than six months, I am inclined to release the applicant on bail. He has no criminal antecedents. He is not likely to flee from justice. In this view of the matter, following order is passed.

### **ORDER**

1. Application is allowed.
2. Applicant be released on bail on his furnishing PR bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount in connection with CR No. 0119 of 2021 under Sections 304-B, 498-A read with Section 34 of the Indian Penal Code registered with Mahur Police Station, District Nanded, on condition that he shall not pressurize the witnesses.
3. Application is disposed of.
4. It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

**[M. G. SEWLIKAR, J.]**

ssp