

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1620 OF 2022
WITH APPLN/3364/2022 IN BA/1620/2022

Ashwin s/o. Vikas Taiday,
Age 30 years, Occu. Service,
R/o. Near Municipal High School No.19,
Srushti Vijay Colony, Rukhmini Nagar,
District Amravati

.. Applicant

Versus

The State of Maharashtra

.. Respondent

Mr. R. D. Biradar, Advocate for Applicant;
Ms. V. S. Choudhari, A.P.P. for Respondent;
Mr. M. S. Kulkarni, Advocate for Complainant / Applicant in
Application No. 3364 of 2022

CORAM : S. G. MEHARE, J.

DATE : 18-11-2022

PER COURT:-

1. Heard the learned counsel for the applicant, the learned A.P.P. for the respondent/State and the learned counsel for the complainant.

2. The father-in-law of the complainant committed a heinous offence. Serious allegations of repeated forceful sex against the father in-law have been levelled. The prosecution has a video clip of heinous acts committed by the father of the applicant. The serious allegations of demanding dowry to purchase a flat and

other desirable article have also been levelled against the applicant and his family members. The first informant is an educated, married woman doing the job and earning a good salary. This is a case of an example of how a woman can be exploited. The complainant complained to the applicant/husband about atrocities committed by her father-in-law and mother-in-law, but he did not heed her. When she complained against her father-in-law that he embraced her from behind, molested her, forcibly took her and committed rape. She became unconscious. Thereafter, she showed a video clip to the applicant, but he slapped her and said he knew his parents well. The allegations against the applicant were that he was also demanding a dowry to purchase a flat in Pune. When the atrocities became intolerable, the complainant took a drastic step to bring heinous atrocities to light and lodged the report.

3. The learned counsel for the applicant has vehemently argued that considering allegations against the applicant, there are no serious allegations levelled against the applicant that he ever irritated the complainant. The complainant never complained of the atrocities committed against her by his father. On the contrary, she has concocted the story against them. The applicant never demanded dowry, as alleged. He never ill-treated her physically or mentally. The applicant is also serving in Pune. He has been languishing behind the bar for eight months. Considering

the accusation levelled against the applicant, he may be released on bail.

4. The learned A.P.P. has opposed the application. She has vehemently argued that the applicant and his family have committed a heinous crime against her with common intention. The life of a girl running 26 to 28 years has been spoiled. The prosecution has strong evidence to prove the acts of forceful sex by the father-in-law with the victim at his home. Her father-in-law consistently threatened her. She complained about the acts of her father-in-law to the applicant, but he never responded to her. The evidence collected by the prosecution, if read collectively, would reveal that it was the predetermined act. The offence is apparently heinous. The applicant was careless towards the complainant. The applicant failed to discharge his duty as a husband and never protected the complainant/wife. He was silent on the act of the atrocities suffered by the victim. The offence is not only against the complainant, but it is also shaking the moral of the society. Hence, the applicant may not be granted bail.

5. Mr. Kulkarni, the learned counsel appearing for the complainant, opposed the application. He also argued on the same points contended by the learned A.P.P. In addition, the learned counsel for the complainant would submit that considering the daring of the father-in-law and the silence of the applicant, the

complainant has an apprehension of danger to her life. The prosecution has a video clip, which is the strongest evidence. The applicant and his family repeatedly demanded dowry from her parents, and she was harassed physically and mentally to fulfil their ill desires.

6. Perused the papers and the evidence collected by the applicant. Unless something were there, a daughter-in-law would not make such wild allegations against the father inlaw. It also appears that the applicant was silent about the acts allegedly committed by his father. The allegations and facts reveal that the applicant failed to do his duty as a husband, and he never protected the complainant. The specific allegations have been levelled against the applicant and his family members that they were demanding a dowry of Rs.40,00,000/- to purchase a flat. The applicant also forced her to bring a costly watch from her father. Considering the facts of the case and the serious allegations of heinous allegations levelled against the applicant in toto, the Court is of the view that this is not a fit case to grant bail to the applicant. Hence, the application stands dismissed.

7. Criminal Application No. 3364 of 2022 is allowed.

**(S. G. MEHARE)
JUDGE**