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

CRIMINAL APPLICATION NO.1812 OF 2016

Ishwar Eknath Salve

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr Vijay Sharma, Advocate holding for Mr Vishal A. Bagdiya, Advocate for applicant;
Ms R.P. Gaur, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 4th July, 2016

ORAL ORDER :

By the present application under section 439 of the Code of Criminal Procedure, the applicant seeks his release on bail, in connection with C.R. No.402 of 2015, registered with police station Chhavani, Aurangabad, for offences punishable under sections 305, 306, 354-D, 506, 504 read with section 34 of the Indian Penal Code.

2. The applicant came to be arrested on 17th November, 2015.

3. Complainant Minakshi has alleged that the applicant has committed an offence punishable under section 354-D of the Indian Penal Code against her daughter Rutuja, aged about 15 years. The said act has prompted Rutuja to commit suicide and hence the offence in question.

(2)

4. Mr Sharma, learned Counsel appearing on behalf of the applicant would submit that since investigation in the matter is already over; charge-sheet is filed and as there are no criminal antecedents of the applicant, his further detention is not warranted.

5. Learned Counsel would then rely upon certain documents which are styled to be exchange of written communications between victim Rutuja and the applicant and also the call details between applicant and deceased Rutuja. Based on the above material, he would submit that the story as is narrated in the first information report does not appear to be probable one, as the same speaks of only the story from the side of the girl. According to him, the applicant is falsely implicated in the crime.

6. Learned Addl. Public Prosecutor submits that though investigation in the matter is complete, the investigation as is carried out depicts that there is *prima facie* involvement of the applicant in the crime in question. She would then submit that if the applicant is released on bail, there are chances of tampering of evidence or influencing the witnesses. Apart therefrom, according to her, Handwriting Expert's opinion, on the alleged communications issued by victim Rutuja to the applicant, is awaited. As such, the application be rejected.

7. Having bestowed my thoughts to the submissions made, it is required to be noted that the charge-sheet in the matter is already filed and there are no criminal antecedents against the applicant, who is a student.

(3)

8. The call details as are available on record, including that of the report of the Forensic Science Laboratory, speak of exchange of mobile calls and sms between the victim and the applicant. Apart therefrom, it is to be noted that there are also written communications between victim Rutuja and the applicant, which *prima facie* give a picture of affair between the victim and the applicant.

9. In the above background, in my opinion, further detention of the applicant will hardly be of any necessity. In view thereof, I pass following order :-

The applicant be released on bail, in connection with C.R. No.402 of 2015, registered with police station Chhavani, Aurangabad, for offences punishable under sections 305, 306, 354-D, 506, 504 read with section 34 of the Indian Penal Code, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicant shall not tamper with the prosecution evidence or influence the witnesses.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj