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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.841 OF 2016

Prassanna Venkardari Agrahar	..Applicant.
V/s.	
State of Maharashtra	..Respondent.

Mr.Harshad V. Nimbalkar with Satyam H. Nimbalkar for the applicant.

Mr.S.S.Pednekar, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 15TH JUNE, 2016

P.C. :-

1. The applicant / accused in Crime No.227/2016 for offences punishable under section 302, 120B 201, 177 read with 34 of the Indian Penal Code registered with Vijapur Naka Police Station, Solapur at the instance of Balasaheb Sadashiv Shinde, Assistant Police Inspector, Crime Branch, Solapur by this application is seeking pre-arrest bail.

2. Heard Mr.Nimabalkar, the learned counsel for the applicant. He argued that in the night intervening 8th and 9th July, 2016 Dr.Rashmi Agrahar – wife of the applicant died in

their house while sleeping. The learned counsel further argued that as the present applicant is also neuro surgeon attached to Gangamai Hospital, Solaour, he called two doctors from the said hospital and took his wife Dr.Rashmi to Gangamai Hospital where some tests were conducted on the dead body to ascertain whether Dr.Rashmi died because of cardiac arrest. The learned counsel further argued that immediately parents and relatives of the deceased were called from Bangalore and after their consent, without conducting post mortem examination, the dead body was cremated. The learned counsel further argued that an anonymous letter was received by the office of the Commissioner of Police, Solapur on 1st September, 2016 alleging that the applicant was having extra marital affairs and, therefore, he committed murder of his wife Dr.Rashmi. It is further averred therein that the applicant wanted to appropriate the insurance money on death of Dr.Rashmi. Accordingly, the learned counsel, during inquiry of this matter, he regularly attended the police officers. The learned counsel further argued that a lady named in the anonymous letter is a wild life photographer and the applicant is also wild life photographer and, therefore, they are acquainted and this acquaintance was known to the deceased

as well as her parental relatives. The learned counsel further argued that the tests were conducted to ascertain whether the deceased died of cardiac arrest. He further argued that dead certificate was issued under the signature of the present applicant as parents of the deceased were to go abroad and sister of the deceased wanted to publish a article in newspaper. Hence according to the learned counsel for the applicant as registration of the F.I.R. was preceded by thorough inquiry, custodial interrogation of the applicant is not at all warranted.

3. As against this, the learned APP argued that the Investigating Officer ascertained from the medical experts and it was found that conducting the rests of post mortem blood of the deceased was not at all necessary. The learned APP argued that deceased was not suffering from diabetes and it was pre-planned murder in order to get rid of his wife.

4. Perused the papers of investigation. The averment in the anonymous letter is to the effect that the applicant is having extra marital relations with a lady named in that letter. The Investigating Officer has recorded the statement of a neighbourer showing that there used to be quarrel between

the applicant and his deceased wife Dr.Rashmi because of extra marital affairs of the applicant. The statement of the neighbourer goes to show that deceased wife of the applicant had complained about this fact to the said neighbourer.

5. The Investigating Officer has collected death certificate issued by the present applicant showing that his wife Rashmi died due to cardio respiratory arrest due to myocardial infarction as well as diabetes. During the course of inquiry as well as investigation, it was transpired that it was only once and that too prior to two years deceased Dr.Rashmi had been to doctor Mule in this regard. As such, prima facie, the deceased is not seen to be suffering from diabetes. The Investigating Officer has also recorded the statement of the doctor that there was no necessity of the test allegedly conducted after death of Dr.Rashmi. It is seen that undue haste is shown by the applicant in hushing up the matter of death of his wife.

6. During the inquiry, it was transpired that when the deceased wife of the applicant had gone to her parental house from May 2015 to 8th June, 2015, the lady named in the anonymous letter stayed in the house of the present

applicant. Neighbourer of the present applicant had disclosed to the Investigating Officer that said stay of that lady at the house of the applicant was stealthy and that because of presence of that lady in the life of the applicant, there used to be quarrel between the applicant and his deceased wife.

7. Viewed from this material collected during the investigation, this does not appear to be a fit case to grant anticipatory bail because release of the applicant on anticipatory bail certainly would hamper the investigation. Thorough investigation is necessary in this case which involves serious crime. The deceased died in custody of the applicant in suspicious circumstances. The applicant though doctor by occupation has not even got post mortem examination conducted on the dead body. The deceased being in his custody, custodial interrogation of the applicant is necessary for fair investigation of the crime in question. The allegations are serious and there is prima facie material with the investigating agency. Hence the order.

The application is rejected.

(A.M.BADAR, J.)