

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1820 OF 2016

Pramod Parbat Shinde	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr.Rajendra B. Mokashi,Advocate for the applicant.

Mr.R.M.Pethe,APP, for the State.

Mr. Panje, PSI, Manpada Police Station present.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 6th March, 2017.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 6.12.2015 in Crime No.669 of 2015 registered at Manpada Police Station on 6.12.2015. The investigation is completed and charge sheet is filed against the applicant for the offence punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that on 13.9.2015, an unidentified dead body of a female was found by the watchman of Casabella Magistic “B” Building floating in the creek. The police reached the spot. Investigation was set in motion after registration of A.D.No.128 of 2015.

The dead body was sent for autopsy to Rukminibai Hospital at Kalyan. The doctor had opined the cause of death is Asphixya due to drowning. That the dead body was identified by one Jannatbi who disclosed that it was the dead body of her daughter Sultana who was a divorcee. The said dead body was buried.

3. Thereafter, Jannatbi had filed an application to the Manpada Police Station and had suspected the cause of death of her daughter. The police, in all fairness, had exhumed the dead body and the dead body was once again sent for post-mortem at J.J.Hospital, Mumbai. After conducting autopsy, the doctors had opined that it was a case of homicidal death as there was ligature mark around the neck and there is contusion on the forehead. The post-mortem notes indicated that they were ante-mortem injuries in the nature of ligature mark over neck 10 cm, over neck 7 cm below chin, over neck 3 cm below chin extending horizontal on right side of neck. Upon dissection of the neck, it revealed that the tissues were infiltrated. It was clear that the cause of death is homicidal death.

4. The police had recorded the statement of the first doctor who had conducted the post-mortem and he had categorically stated that inadvertently he had stated the cause of death as “Asphyxia due to drowning.” However, it was a case of homicidal death.

5. It is pertinent to note that the present applicant was officiating as a Head Constable at Crime Branch Unit-3, Kalyan. The hospital where the first post-mortem was conducted is adjacent to the office of the Crime Branch. The doctors were, in all probability, influenced by the applicant had transpired in the course of investigation that the applicant herein had illicit relations with deceased. That she was residing in a room rented by him. That they were constantly in touch with each other. There are CDR details which would clearly indicate that the deceased and the applicant were speaking to each other. The statement of the witnesses recorded under Section 164 of Cr.P.C. would show that the applicant had taken the victim as a pillion rider near the creek under the false pretext of going for a ride and there he had strangled her and pushed the dead body in the creek. The mother of the victim has also stated that they were in relationship. The conduct of the applicant would assume significance in the present case. He had made no efforts to contact anyone or attend the funeral of the victim or identify the dead body which was in an abandoned state on 13.9.2015. It is the duty of the police to maintain law and order situation and this is a peculiar case where the police personnel is being prosecuted for an offence punishable under Sections 302 and 201 of the IPC.

6. The learned APP submits that the conduct of the applicant

would tarnish the image of the police department as a whole. It is noteworthy that in the present case, the police had fairly and rightly investigated the case and the applicant has been charge-sheeted for the offence punishable under Section 302 of the IPC.

7. Upon perusal of the material collected in the investigation, it can be inferred that there is more than sufficient material against the applicant to convict him for the offence punishable under Sections 302, 201 of the IPC. Hence, this Court is of the opinion that the applicant does not deserve to be enlarged on bail. The application being sans merits, stands rejected.

8. The learned Sessions Court shall not be influenced by the observations recorded hereinabove at the time of trial.

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(SMT. SADHANA S.JADHAV, J.)