

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1451 OF 2017***

Prithviraj Vijay Deshmukh

Applicant

Versus

The State of Maharashtra

Respondent

Mr.Aashutosh Srivastava, for the applicant.

Mrs.S.S.Kaushik,APP, for the State.

Shri R.B.Bhise, P.C. Kondhwa Police Station, Pune, present.

CORAM : SMT. SADHANA S.JADHAV, J.

DATE : 20th February, 2018.

P.C. :

1. Heard. This is an application under Section 438 of Cr.P.C. The applicant herein is apprehending his arrest in Crime No.256 of 2017 registered at Kondhwa Police Station, Pune for the offences punishable under Section 306 of the Indian Penal Code.

2. It is the case of the prosecution that on 30.6.2017, Nitin Gandhi lodged a report at the police station alleging therein that he happens to be father of Juhi. That they are original residents of Kondhwa. His daughter Juhi was studying in Sinhgad Institute of Engineering, Kondhwa.

The applicant was also a student of the same College. She happens to be his senior. She had participated in Campus interview and was selected by a company at Bangaluru where she was working as a Project Manager. Juhi was acquainted with the present applicant. Her parents had noticed that Juhi was continuously in contact with someone. On the day of the incident, i.e. on 16.5.2017, she was making frantic calls to the applicant. That since the applicant was to appear for his final year exam. on 17.5.2017, he had switched off the cellphone and had not received her call and therefore, it appears she had visited his flat which he shared with other 4 friends. She seems to be annoyed since he was not receiving her calls. The applicant had tried his level best to convince her that he is to appear for the final examination. On the next day, however, it appears she was beyond approach. He was staying on the 6th floor. He had left the room and since the lift was taking time, he had started descending steps. He was followed by her and thereafter, she had fallen on the ground. He had admitted her in the hospital with multiple abrasions. She had succumbed to the injuries. It appears from the first information report that the applicant had immediately informed the parents of Juhi. They had been to the hospital. It was too late by then. Juhi had succumbed to the injuries. It appears that initially,

A.D. No.75 of 2017 was registered. However, on 30.6.2017, father of Juhi had lodged a report at the police station alleging therein that the applicant was in love with Juhi. He had harassed her. She had conceived pregnancy from the applicant. However, she was forced to undergo medical termination of pregnancy and being harassed at the hands of the applicant. She had committed suicide by jumping from the 4th floor of the building where the applicant was residing on the 6th floor.

3. Perused the papers of investigation. There is no doubt that there is delay in lodging the FIR. Upon perusal of the statements of the witnesses, it appears that it could be a case of accidental death as the witnesses had seen Juhi following the applicant and suddenly she had fallen on the ground. The applicant had admitted her in the hospital. She was unconscious and thereafter succumbed to the injuries. Prima facie, it is doubtful as to whether it is a case of suicidal death or accidental death on the basis of the papers of investigation. Hence, this Court is inclined to confirm the order granting pre-arrest bail in favour of the applicant vide order dated 19.9.2017.

4. It is made clear that the observations are restricted to an application under Section 438 of Cr.P.C. and shall not be taken into

consideration for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

(i) In the event of arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.

(ii) The applicant shall report to the concerned police station as and when called.

The application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)