

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 2652 OF 2017

Kartik Shahuraj @ Yuvraj Ingale.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. Kuldeep U. Nikam, advocate for Applicant.

Mr. S.R. Agarkar, APP for State.

Mr. S.D. Sul, Constable, Phaltan City Police Station.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 19, 2018**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 29/7/2017 in Crime No. 224/2017 registered at Phaltan City Police Station for offence punishable under section 305, 363, 354(a) and 506 of the Indian Penal Code.

3 It is the case of the prosecution that on 25/6/2017 Manisha S. Phalke lodged a report at the police station alleging therein that her daughter Payal had committed suicide in her house. Cause of death is due to Asphyxia due to hanging. On 1/7/2017 Manisha Phalke lodged first information report alleging therein that on 24/6/2017 Sejal friend of Payal had disclosed to her that on that day when she was proceeding to the school alongwith Payal, present applicant had followed them in a car and he had coerced Payal to accompany him. He had also told Sejal not to inform about the said incident to anybody including family members. In the evening the mother had enquired with Payal and she had allegedly disclosed to her that on several occasions, the applicant has coerced her to accompany him and she had accompanied him due to fear. He used to drop her at home. It is pertinent to note that on 25/6/2017 immediately, Payal had committed suicide. The applicant is being prosecuted for offence punishable under section 306 of the Indian Penal Code.

4 Learned Counsel for the applicant has drawn attention of this court to the C.D.R. It forms a part of the charge-sheet. It shows that on 25/6/2017 Payal had called upon the applicant from her mother's cell phone. Similarly on 26/5/2017 applicant had called upon her. On 25/5/2017 the applicant had called Payal on her mother's cell. Similarly on 26/5/2017 he had made phone call to Payal. On 20/6/2017 Payal had called upon the applicant and they had exchanged calls on several occasions. On 22/6/2017 the applicant had called upon the deceased several times. Similarly, on 24/6/2017 Payal had been calling upon the applicant at 9.43 a.m., 9.45 a.m. The applicant had called upon her at 9.45 a.m. again and thereafter, she had replied at 9.55 a.m. Hence they had exchanged several calls.

5 According to the learned Counsel for the applicant, prima facie it appears that due to pressure from the family and the fact that her mother had learnt about her acquaintance with the present applicant, she had committed suicide. It is submitted that the applicant is also an young boy hardly 21 years old on the date of incident.

6 It is also submitted that the applicant is a student who is prosecuting his studies in Science faculty and is in second year of BSC. It is submitted that the entire career of the applicant would be ruined due to the present case.

7 As on today, prima facie it cannot be held that the applicant had in any way abetted, instigated or facilitated commission of suicide. The applicant has been in custody since July, 2017 and charge-sheet is filed. The applicant has made out a case for grant of bail.

8 It is made clear that the above observations are restricted to the application under section 439 of the Code of Criminal Procedure, 1973 and shall not be taken into consideration while deciding application for discharge or quashing FIR or at the time of trial.

9 Hence, following order is passed :

ORDER

- (i) The application is allowed.
 - (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- and one or more solvent sureties in the like amount.
 - (iv) The applicant shall not tamper with the evidence.
- 10 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)