

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

LD-VC-CRIMINAL APPLICATION (ABA) NO. 354 OF 2020

(Prashant s/o Purushottam Naikwade, Nanded Vs. State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Anil Mardikar, Senior Advocate a/w Shri S.G. Joshi, Advocate for the applicant.
Shri H.S. Chauhan, Advocate for the complainant.
Shri A.V. Palshikar, A.P.P. for the non-applicant/
State.

CORAM : PUSHPA V. GANEDIWALA, J.
JULY 07, 2020.

Heard the learned counsel for the parties through Video Conferencing and they agreed that the audio and visual quality is proper.

The applicant – a student of second year, M.Tech, IIT Ruraki, Uttarakhand is apprehending his arrest in connection with Crime No. 80/2020 dated 01/04/2020 registered at Police Station Bitargaon, District Yavatmal for the offences punishable under Sections 306 and 323 of the Indian Penal Code.

It is alleged that the deceased, who was also a student of the Dental College at Hingoli was in love affair with the present applicant. The applicant wanted to disclose their love affair to the family of the deceased, however, the deceased was restraining him from doing so.

It is further alleged that at the instance of the present applicant, the deceased travelled to

Aurangabad just before the declaration of lockdown and returned on 18/03/2020. Thereafter, she committed suicide on 25/03/2020.

It is further alleged that during this period i.e. between 18/03/2020 to 25/03/2020, she had chatting with the present applicant and her friend Rani. In her chatting, she discloses her intention to commit suicide by burning herself if the applicant discloses their relationship to her family members.

Shri Mardikar, learned senior counsel vehemently submitted that there is no direct instigation or abetment to commit suicide by the deceased. The report came to be lodged after delay of seven days and the said delay is not explained.

On the other hand, Shri Palshikar, learned A.P.P. opposed the application mainly on the ground that during the Aurangabad visit, the applicant assaulted the deceased and also instigated her to commit suicide.

At the outset, admittedly, at the relevant time, the deceased was in her village. Shri Chauhan, learned counsel for the informant also does not dispute that apart from chatting on the cell-phone and the intention of the applicant to disclose their love affair with the family members of the deceased, there are no other allegations.

It is an un-denying fact that a student, who is pursuing his IIT, would face lots of humiliation

and ignominy if he/she is allowed to be arrested.

Considering the nature of allegations levelled against the applicant so also considering the fact that there are no chances of absconding of the applicant as he is a registered student of the IIT, Ruraki (Uttarakhand), I am of the view that with stringent conditions, the applicant deserves to be released on anticipatory bail. Hence, the following order:-

ORDER

1. The Criminal Application is allowed.
2. In the event the applicant Prashant Purushottam Naikwade is arrested in Crime No. 80/2020 dated 01/04/2020 registered at Police Station Bitargaon, District Yavatmal for the offences punishable under Sections 306 and 323 of the Indian Penal Code, he shall be released on furnishing PR bond of Rs.15,000/- (Rs. Fifteen thousand only) and one surety bond in the like amount.
3. The applicant shall co-operate during the investigation and make himself available as and when called by the Investigating Officer.
4. The applicant shall not in any manner tamper with the evidences.
5. The applicant to surrender his impugned cell-phone with the Investigating Officer forthwith.

The aforesaid observations of this Court is purely for grant of bail and it should not come in the

way of the trial Court during trial.

This order be communicated to the counsel appearing for the parties, either on the email address or on Whats app or by such other mode, as is permissible in law.

JUDGE

Sumit