

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**BAIL APPLICATION NO. 2161 OF 2021**

|                              |               |
|------------------------------|---------------|
| Pranit Tukaram Tarpe @ Tarfe | .. Applicant  |
| Versus                       |               |
| The State of Maharashtra     | .. Respondent |

...

Misbaah Solkar i/b Amin Solkar for the applicant.  
Smt.A.A. Takalkar, APP for the State.

**CORAM: BHARATI DANGRE, J.**  
**DATED : 9<sup>th</sup> JULY 2021**

**P.C:-**

1           The applicant came to be arrested on 13<sup>th</sup> December 2020 in C.R.No. 275 of 2020 registered with Kharghar police station for allegedly committing an offence punishable under Section 302 of the IPC and since then, he is behind bar.

          The submission of the learned counsel for the applicant is to the effect that he has no connection with death of Razia Pranit Tarfe at her residence and the submission is he is being implicated on vague circumstantial evidence and on completion of investigation, he has been charge-sheeted. The counsel would submit that there are flaws in the investigation as recovery of aluminum lid of cooker with plastic handle, is

attributed to the applicant but the spot panchnama drawn reveal that the lid of cooker was lying on the spot. With such glaring discrepancy in the evidence collected to inculcate the applicant, the counsel submit that the applicant is entitled to be released on bail.

2 With the assistance of the learned counsel and the learned APP Ms.Takalkar, I have perused the material compiled in the charge-sheet.

The charge-sheet allege that the applicant, aged 33 years was married and the couple had a four year old daughter. Since the applicant was addicted to liquor, he used to visit a bar in Taluka Parnel where he used to meet one woman by name Razia @ Priya Shaikh. She was residing in Arjun Building, room no. 203, Kopergaon with her brother. Her another sister Ruksana reside in the same building in room no.401. The charge-sheet allege that the applicant used to frequently visit Razia and stay in her house. He solemnized marriage with her on 9<sup>th</sup> March 2019 as per the Hindu rites and one daughter was born out of the said relationship, who is two month old. This relationship was maintained by the applicant clandestinely and his first wife was unaware of the same.

3 On 10<sup>th</sup> December 2020, the applicant visited Razia who was present in her room along with her brother. They had a

party in the house and at 5.50 p.m, Razia's brother stepped out of the house for walking the dog. Razia, the applicant and their two month old daughter was present in the bed-room. Razia insisted that the applicant should take her to his home to co-habit, to which the applicant objected and this gave rise to a squabble between the two. Agitated by the demand of Razia, the applicant assaulted her by hands. The sister of Razia made phone call to her which she did not answer and she also knocked her door which was not opened. After some time, she went into the balcony and called for Razia and banged the door which was opened by the applicant who appeared to be petrified and she noticed her sister Razia lying in the hall and the applicant informed her that she had consumed phenyl, but she could not smell any. Her sister was found lying motionless and suspecting something fishy, she was immediately taken to the hospital and an A.D. came to be registered with Kharghar police station vide C.R.No. 71 of 2020.

4           The Investigating Agency carried out Inquest Panchnama and forwarded the body for post mortem. The provisional cause of death certificate opined that death had occurred on account of head injury. This resulted in registration of offence punishable under Section 302 of the IPC, implicating the present applicant.

The injury to the deceased which was responsible for causing her death was attributed to the applicant who is charged for assaulting her with a lid of cooker. The post mortem report in Column No.17 record a contusion over periorbital region of right eye and in Column No.18, it record Undisplaced linear fracture of size 3 x 0.3 cm present over right parietal bone. Column No.19 refer to corresponding injury in form of Subdural Hematoma of size 5.5 x 3.5 cm, 1.0 cm in thickness weighing about 200 gms seen over right parietal lobe. This injury has been opined to be the cause for death. The case is based on circumstantial evidence, but the charge-sheet allege that it is only the applicant who was present in the house along with the deceased and he is responsible for causing the death of the deceased.

5           The prosecution has framed the applicant on the basis of last seen theory. Prima facie, the material pin-point towards the guilt of the applicant and that it is only the applicant who is responsible for her death. Prima facie case is set out in the charge-sheet against the applicant.

6           In light of the aforesaid circumstances being outlined in the charge-sheet implicating the applicant, he do not deserve to be released on bail.

7           Application is rejected.

**SMT. BHARATI DANGRE, J**