

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

BAIL APPLICATION NO. 4212 OF 2023

Anuja Mahesh Panhale

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Sachin Thombare, Advocate, for the Applicant.

Mr. P. P. Deokar, APP, for the Respondent – State.

CORAM: MADHAV J. JAMDAR, J.

DATE: 10.04.2024

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1. Heard Mr. Thombare, learned Counsel for the Applicant and Mr. Deokar, learned APP for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C. R. No.	421 of 2023
2.	Date of registration of F.I.R.	29.05.2023
3.	Name of Police Station	Lonikand, Pune City
4.	Section invoked	302 of the I.P.C., 1860
5.	Date of incident	29.05.2023
6.	Date of arrest	30.05.2023
7.	Date of filing of Charge-sheet	22.08.2023

3. As per the prosecution case, the Applicant and the deceased were involved in a romantic relationship. Both of them were engineering students. The deceased was residing in 'Stanza Living

Hostel', Domkhed Road, Wagholi, District-Pune. In the said hostel, the deceased was residing in Room No.406 consisting of one hall, one kitchen and two bed room alongwith his three other roommates. It appears that the incident in question has taken place on 29.05.2023 on which date, the deceased and the Applicant were studying together from 11.00 p. m. to 5.00-5.30 a. m.. Other roommates were sleeping in other rooms. The incident in question has taken place at about 5.30 a. m.. As per the prosecution case, on some minor issues, altercation took place between both of them and the Applicant assaulted the deceased with a knife. The deceased succumbed to the resultant injuries.

4. Mr. Thombare, learned Counsel for the Applicant submitted that the incident in question has taken place on 29.05.2023. The Applicant was apprehended on 30.05.2023. The Charge-sheet was filed on 22.08.2023. He submitted that investigation is complete. The Applicant is a young woman aged 19 years and is a student of engineering. He submitted that there are no antecedents. He submitted that even as per the prosecuton case, the incident in question has taken place on the spur of the moment. He submitted that the case is of circumstantial evidence. There are no incriminating circumstances against the Applicant. Therefore, bail be granted to her.

5. On the other hand, Mr. Deokar, learned APP vehemently opposed the Bail Application. He submitted that the Applicant was

carrying a knife. Therefore, it is very clear that the murder is premeditated. He further submitted that although the case is of circumstantial evidence, the circumstances are very strong. The deceased, in the midnight, had informed his friends, who were his room mates, that the Applicant would be coming in the night and the Applicant and the deceased would be studying together. He further stated that the watchman of the said college had seen the Applicant leaving the hostel at about 5.30 a.m.. He submitted that in fact, the Applicant got injured in the incident in question. Therefore, she was also hospitalised. He submitted that the Applicant's foot prints match with the foot marks at the spot. He, therefore, submitted that the Applicant be not released on bail.

6. A perusal of the record shows that the incident in question has taken place on 29.05.2023. The Applicant was apprehended on 30.05.2023 and Charge-sheet was filed on 22.08.2023. As per the Charge-sheet, the prosecution intends to examine 32 witnesses. Till date, there is no progress in the trial and even charge is also not framed yet. The trial is likely to take a considerably long time.

7. *Prima facie*, there is substance in the contention raised by Mr. Deokar, learned APP that although the case is of circumstantial evidence, the circumstances are very strong. However, it is to be noted that the circumstances only show that the Applicant was present when the incident has taken place. The circumstances also show that the Applicant has been injured in the offence in question.

The deceased suffered several stab injuries. However, *prima facie*, there is substance in the contention advanced by learned Counsel for the Applicant that the manner in which the incident took place is not clear from the prosecution case. *Prima facie*, it is not clear that whether the intention of the Applicant was to commit the offence punishable under Section 302 of the *Indian Penal Code, 1860*. The Applicant is a young woman aged 19 years and is an engineering student. Investigation is complete.

8. The Applicant does not have any criminal antecedents.
9. The Applicant does not appear to be at risk of flight.
10. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
11. In view thereof, the following order:-

ORDER

(a) The Applicant - Anuja Mahesh Panhale be released on bail in connection with C. R. No.421 of 2023 registered with the Lonikand Police Station, Pune City on her furnishing P. R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.

(b) On being released on bail, the Applicant shall furnish her cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(c) The Applicant shall report to the Lonikand Police

Station, Pune City as and when called for by the Investigating officer.

(d) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case, so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender her passport, if any, to the Investigating Officer.

12. The Bail Application is disposed of accordingly.

13. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]