

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL BAIL APPLICATION NO. 39 OF 2015**

|                           |     |             |
|---------------------------|-----|-------------|
| Mr. Pandurang Balu Takave | ... | Applicant   |
| vs.                       |     |             |
| The State of Maharashtra  | ... | Respondents |

Mr. Ajinkya A. Dhende, Advocate for the applicant  
Mrs. R. V. Newton, APP, for the respondent-State.

**CORAM: SMT. SADHANA S. JADHAV, J.**  
**DATE : 25th February, 2015.**

**P.C.**

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 26.4.2014 in Crime No.88 of 2014 registered at Lonavali Police Station for the offences punishable under Sections 302, 201, 109 read with Section 34 of IPC. The investigation is completed and charge-sheet is filed.

2. It is the case of prosecution that on 22.4.2014, one Rajendra Gaykar lodged a report at the police station that his sister Kali @ Asha was married to Baban Takave, who happens to be the younger brother of the applicant. According to the complainant, two days prior to Gudi Padwa, Asha along with her husband Baban had been to their house. At that time, the sister had disclosed to his mother that her husband and two brothers-in-law and her sister-in-law are suspecting her chastity. She appeared to be disturbed and was crying. Her

mother told her to pacify with her husband. Thereafter, they both left for Atwan. 5 – 6 days thereafter, Rajendra met the present applicant on the way. The applicant appears to have enquired with Rajendra as to whether Asha is at home. He informed Rajendra that Asha and Baban haven't yet returned to Village Atwan. On 15.4.2014, Rajendra lodged a missing report with Khopoli Police Station since he could not trace the whereabouts of Baban and Asha. Report No.19 of 2014 was registered. He continued with his search, but to no avail. On 20.4.2014, Rajendra had taken the police along with him, met the present applicant and his sister Kamal Jambulkar and mother Chanabai and enquired about the whereabouts of Asha. However, they were giving evasive answers. On 21.4.2014, at about 3 p.m., Rajendra along with the police had been to the house of the woman who had illicit relations with Baban. There they met her son Guru. The police enquired with Guru about the whereabouts of Baban. On the basis of his information, they went to the place where Baban was working. They found Baban and Gauri together. The police took them into custody for the purpose of enquiry. Baban could not withstand interrogation of the police and had admitted that on the date of Gudi Padwa, he had taken Asha to Atwan and thereafter they had gone to Island Park for a stroll. He enquired with her about her illicit relations. In a fit of rage, he had caused her homicidal death. To verify the genuineness of the information, the police had taken Baban to the house at

Atwan. There next to Island Park in the bushes, they found the skeletal remains of a female. Baban had disclosed that initially he had caused her homicidal death and thereafter the present applicant and and Vithal had helped him to cause disappearance of evidence by setting the dead body ablaze. The complainant found the burnt remains of the saree worn by Asha and her footwear. Thereafter, inquest panchnama was conducted on the skeletal remains. The recitals of the inquest panchnama would show that there were ashes of the skeletal remains of female. They gathered the bones and the other skeletal remains and had forwarded the same for conducting autopsy.

3. It is pertinent to note that the post-mortem report only mentions in column No.10 "Skeletal remains of human brought as detailed in column No.17."

4. The statement of the son of the applicant clearly indicates that on 8.4.2014, the husband of the deceased came to the house of the applicant and informed him that he has caused homicidal death of his wife. Thereupon, the applicant had informed his son Deepak that they will have to perform the funeral. That the applicant had immediately left the house and had burnt the dead body in order to cause disappearance of evidence. That no formal funeral was performed. The dead body of Asha was burnt and abandoned in the bushes which was subsequently discovered at the instance of the brother of the present applicant.

5. Taking into consideration the evidence collected by the Investigating Agency, this is not a fit case for grant of bail.
6. Hence, the application being sans merits, stands rejected.

**(SADHANA S.JADHAV, J.)**