

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

CRIMINAL BAIL APPLICATION NO. 1940 OF 2016

Tayyab Khansaheb Jahagirdar. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

**WITH
CRIMINAL BAIL APPLICATION NO. 1941 OF 2016**

Mahesh Shivaji Talekar. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. M.V. Thorat i/b. Mr. Ujwal R. Agandsurve, advocate for Applicants.

Ms. Veena Shinde, APP for State.

Mr. Annasaheb Gholap, PI, Karmala Police Station.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : SEPTEMBER 27, 2016**

P.C.:

1 Heard the learned Counsel for the applicants and the learned
APP for State. Perused the papers.

2 These are the applications under Section 439 of the Code of Criminal Procedure, 1973. The applicants herein are arrested on 26/8/2016 in Crime No. 390/16 registered at Tembhurni Police Station for offence punishable under Section 306, 201 read with Section 34 of the Indian Penal Code.

3 It is the prosecution case that on 26/8/2016 Navnath Chandankar lodged a report at the police station alleging therein that on 27/6/2016 at about 9.30 a.m. they received an unanimous call informing that his brother in law has committed suicide by hanging himself to tamarind tree. The caller had not disclosed his identity. The informant went to Dahivali. He has seen his brother-in-law Daji Kalyan Yadav hanging to the tree and people had gathered there. That the dead body was taken on the ground. Some one from the group had inspected the clothes of the deceased and found a chit. They had kept the said chit in the pocket of the first informant. Mahesh Talekar i.e. applicant in BA 1940/16 and Tayyab Khansaheb Jahagirdar i.e. applicant in BA 1940/16 had scuffle with the first

informant and were insisting upon him to return the chit. He had not returned the chit. The wife of applicant in BA 1940/16 appears to be sarpanch of Dahivali village. He restrained the people from sending the dead body for the post mortem and the dead body was taken to the house. It is alleged that the applicant Mahesh Talekar had induced the sons of the deceased that he would give them employment and on that ground, had obstructed further investigation in accordance with law.

4 On the next day i.e. on 28/6/2016, it was revealed that it was because of the harassment of the principal of that school, Kalyan Yadav had committed suicide. The respective Counsel have submitted that it is not the case of the prosecution that the applicant had instigated, abetted or facilitated commission of suicide. The allegations prima facie seems to be that they were causing disappearance of the evidence by screening offenders. The penalty contemplated for offence punishable under Section 201 of the Indian

Penal Code is upto 3 years and it is a bailable offence. In view of this, the learned applicants deserves to be enlarged on bail.

5 It is a matter of record that the allegations for offence punishable under Section 306 of the Indian Penal Code are attributed to the Head Master of the school, who has been protected by way of ad-interim order.

6 In view of the above observations, the applicants deserve to be enlarged on bail.

7 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 439 of the Code of Criminal Procedure, 1973. The learned Sessions Judge shall not be influenced by the same at the time of trial.

8 Hence, following order is passed.

ORDER

- (i) Both the applications are allowed.
 - (ii) The applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- each and one or two sureties in the like amount.
 - (iii) The applicants shall report to the concerned police station from 1st October, 2016 to 4th October, 2016 and cooperate with the investigating agency to the best of their capacity.
 - (iv) The applicants shall not tamper with the evidence.
- 9 The applications are disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)