

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2433 OF 2017

Jyoti Narayan Parihar **... Applicant**
Age 40 years, Ocu: Service
R/o Sobapuram, Building No.5,
flat No.116, Mumbai Bangalore
Highway, Warje, Pune-58

VERSUS

- 1 The State of Maharashtra **... Respondent**
- 2 The Superintendent of Police,
Ahmednagar

Mr. Mr. R. A. Jaikwal h/for Mr. C. P. Sengaonkar,
Advocate for the applicant
Mr. S. B. Joshi, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 22nd June, 2017

ORDER:

1. Heard Mr. Jaiswal, learned counsel for the applicant and Mr. Joshi, learned APP for the State.
2. Present Criminal Application is filed under section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No. I-127/2017, registered with- Karjat Police Station, District Ahmednagar for the offences punishable under section 306 of the Indian Penal Code, 1860.
3. Deceased Jeevan Ramchandra Waghmare was brother of informant Navnath Waghmare and he was working as

Primary Teacher in Zilla Parishad School at Wagholi. it is alleged that deceased Jeevan was being harassed by the present applicant since prior to three months of 24.04.2017, on account of lodging of complaint against Dagadkhan Vasti School. Due to which, the deceased was under tremendous pressure and disclosed that applicant was harassing him. The present applicant threatened him to suspend. The applicant also issued him notice of disciplinary action. Due to the ill-treatment and harassment given by the present applicant deceased Jeevan had consumed poison and committed suicide

4. Learned counsel appearing for the applicant, referring to the copy of the said notice, points out that such notice was not issued by the present applicant but it was issued by the concerned CEO. Furthermore, the issuance of notice, for taking administrative action is a part of business of the School. Such action was taken by the concerned CEO and the present applicant has no concerned with the notice.

5. Learned APP points out the suicidal note found with the deceased. On perusal of the same, it appears that there are certain allegations against the present

applicant and narrated about the nature and conduct of the present applicant. However, it relates to the official act, so also it appears that the applicant was strict in following the rules. It is not mentioned that the applicant gave ill-treatment, that too with an intent to lead the deceased to commit suicide. Suicidal note is also seized by the concerned police. Statement of material witness is recorded.

6. The learned APP submits that the certain documents are to be seized from the office. In my opinion, the police is at liberty to seize whatever documents they require for investigation purpose and for that purpose, custody of the present applicant is not necessary. Therefore, the applicants can be enlarged on anticipatory bail. Hence following order:

O R D E R

- i. In the event of arrest of the applicant in connection with Crime No. I-127/2017, registered with Karjat Police Station, District Ahmednagar, she shall be released on bail on her executing P.R. Bond of Rs. 25,000/- [Rs. Twenty Five Thousand only], with one solvent surety in the like amount.

- ii. The applicant shall not tamper with the prosecution witnesses in any manner and shall cooperate in further investigation.
- iii. The applicant shall remain present in the concerned Police Station as and when called for by the Investigating Officer for the purpose of investigation.
- iv. Criminal application disposed of.

(K. L. WADANE, J.)

JPC