

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

Criminal Application No.367 of 2015

Tulshiram s/o Mahadu Raykar
And Another.

.. Applicants.

Versus

The State of Maharashtra
And Another.

.. Respondents.

Shri. Anil M. Gaikwad, Advocate, for applicants.

Shri. N.B. Patil, Additional Public Prosecutor, for
respondent.

With

Criminal Application No.606 of 2015

Shahaji Kisanrao Kutwal.

.. Applicant.

Versus

The State of Maharashtra.

.. Respondent.

Shri. Amol S. Sawant, Advocate, for applicant.

Shri. N.B. Patil, Additional Public Prosecutor, for
respondent.

CORAM: T.V. NALAWADE, J.

DATE : 11th FEBRUARY 2015

ORDER:

1) Both the applications are filed for the relief of anticipatory bail. Both the sides are heard. This Court has perused papers of investigation.

2) Crime is registered on the basis of report given by father of the deceased boy. The boy was studying in a school of village Bori. The incident in question took place on 14-1-2015. On that day, there were complaints from some girls of the class of the deceased that he was passing on indecent chits to the girls. After receipt of such complaint the Headmaster call the Sarpanch and also the Director of the school. They made inquiry with the boy. There are allegations that they gave threats and the Sarpanch gave slap to him. They also gave threats that they would file police case. The boy felt insulted, returned to home and then he committed suicide by hanging himself. Report came to be given on 16-1-2015. Allegations remade that due to aforesaid conduct of the Headmaster and the Director of the school and the Sarpanch, the boy committed suicide.

3) Learned APP submits that punishment of imprisonment for life and even the death penalty is provided for offence punishable under section 305 of the Indian Penal Code and it is a serious case. He submits that the witnesses are employees of the school and there is possibility of tampering and thorough investigation is required. Already statements are recorded. For making out the case for offence under section of 305 IPC there needs to be material of the nature of abetment as defined in section 107 IPC. In view of nature of material and the investigation already done this Court holds that police would not require custody of the applicants for the purpose of investigation. This Court holds that it is a fit case to grant of relief of anticipatory bail.

4) In the result, both the applications are allowed. Interim relief grant is confirmed. The applicants are to visit the concerned police station on every Sunday between 9.00 a.m. and 12.00 noon and to cooperate the police during investigation for a period of one month.

Sd/-
(T.V. NALAWADE, J.)

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