

**FARAD CONTINUATION SHEET NO.**  
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD.**  
**APPELLATE SIDE JURISDICTION**

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| Office Memoranda of appearance, directions and orders. | Notes, of Court's orders and Registrar's | Office Coram, Court's or Judge's orders. |
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CRIMINAL APPLICATION NO. 2238 OF 2014

MANGAL YAKUB KAMBLE  
 VERSUS  
 VINAYAK PRALHAD KULKARNI AND ANOTHER

...  
 Advocate for Applicant : Suryawanshi Govind G.  
 Advocate for Respondent N9o.1: Mr. S. S. Randive.  
 APP for Respondent No.2: Mr. M. M. Nerlikar.

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**CORAM: T. V. NALAWADE, J.**  
**DATED: 4th MARCH, 2015.**

**PER COURT:**

1. The application is filed under section 439 (2) of Cr.P.Code for cancellation of relief of anticipatory bail granted by learned Additional Sessions Judge, Aurangabad in favour of Respondents.
2. In a crime registered for offence punishable under sections 354-A, 294 etc. of I.P.C. and section 3 (1) (xi) of SC and ST (Prevention of Atrocities) Act the relief is granted.
3. The crime is registered on the basis of complaint given by one Smt. Mangal. She was working as a

teacher in Sharada Hindi Madhyamik Vidyalaya, CIDCO, Aurangabad. There was some proceeding pending between her and the school and the School Tribunal decided the matter in her favour. It is her case that after decision given by the School Tribunal she went to school on 28<sup>th</sup> February, 2014 to resume duty. The accused, who is Head Master of the school did not allow her to resume the duty and she was made to wait till 01.30 p.m. It is her case that other three teachers had also come to the school for resuming duty in view of the decision given by School Tribunal but the Head Master gave them abuses and he abused her by taking name of her caste which is Scheduled Caste and he pushed her outside and said that he would not allow her to resume duty. According to her, he gave threats to her.

4. Learned Additional Sessions Judge observed that there was a record to show that parents of the complainant had converted to other religion, Christian. The other circumstances, which are relevant, are also considered and relief is granted by learned Sessions Judge. In view of the nature of allegations, which is mentioned in the complaint itself, this Court holds that it is not possible to cancel the relief and set aside the

order.

5. The learned counsel for the Applicant placed reliance on recently decided cases like ***Civil Appeal No.7065 of 2008 “K.P.Manu V/s Chairman, Scrutiny Committee for Verification of Community Certificate”*** and ***1999 Criminal Law Journal 1666 [Rosamma Thomas and another V/s Circle Inspector of Police, Tripunithura and others]”***. This Court is avoiding to touch the merits of the case, whether she was belonging to Scheduled Caste at the relevant time. The Apex Court has observed that if a person, who has converted to other religion reconverts to Hinduism he can go back to the original caste provided he is ready to practice the customs and traditions of the caste and his community accepts him.
6. In the result, the application is rejected.

**[T. V. NALAWADE, J.]**

Dt.04/03/2015  
ans/2238