

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 2671 of 2015

1. Sunil s/o Bhimashankarappa Girwalkar,
 Age 49 years, Occu: Service as Headmaster

2. Anil s/o Bhimashankarappa Girwalkar,
 Age 60 years, Occ: Agriculture
 Both r/o Bembali Tq. & Dist. Osmanabad

3. Shivaji s/o Babru Mane
 Age 50 years, Occuation: Teacher,
 R/o Limboni Baug, Osmanabad

... **Applicants**

Versus

... **Respondent**

The State of Maharashtra
 Through Police Inspector,
 Police Station, Bembali
 Taluka & District: Osmanabad

Mr. V. D. Salunke, Advocate for the applicants
 Mr. U. S. Mote, APP for the Respondent-State.

CORAM : V. M. DESHPANDE, J.

DATE : 11th June, 2015

PER COURT :

1. Heard Mr. V. D. Salunke, learned counsel for the applicants and

Mr. U.S. Mote learned Additional Public Prosecutor for the State.

2. The applicants are apprehending their arrest in connection with
 Crime No. 39/2015 registered with Police Station Bembali, Taluka and

District Osmanabad for the offences punishable under Section 306 of the Indian Penal Code, 1860.

3. Deceased is one Gorakh Hariba Dhole. He was assistant teacher. Present applicant No.1 is Headmaster of the school in which the deceased was working as assistant teacher, whereas applicant No. 2 is member of Managing Committee which run the said school and applicant No.3 Shivaji is also one of the assistant teacher.

4. The first information report is lodged by Madhusudan Dhole son of deceased Gorakh Hariba Dhole. From the first information report, it is clear that deceased was working as assistant teacher since last 20 years. In view of the matter, the allegation made in the first information report that as applicants were demanding Rs.4 lacs for his service, prima facie losses its importance.

5. Learned Additional Public Prosecutor tried to impress upon the Court by pointing out that the deceased has deposited Rs.50,000/- in the account of the school. However, the statement of one Babasaheb Mhaske who is also one of the assistant teacher is examined by the Investigating Officer and his statement is recorded under Section 161 of the Criminal Procedure Code. His statement would reveal that all the teachers of the school on their own have deposited Rs.50,000/- with the

school for construction and repair of the school. In view of that matter, such deposit also loses its importance. There is no material available on record by which it can be said that the applicants have abetted deceased Gorakh to commit suicide.

6. The Vacation Judge has granted ad interim anticipatory bail in favour of the applicants on 22nd May, 2015 on the condition that the applicants shall report with the investigating officer as and when required and also they will not tamper with prosecution evidence. Today when the matter was called, there is no complaint from the investigating officer about breach of the conditions imposed by this court while granting anticipatory bail. In this view of the matter, I pass following order:

ORDER

- i. Applicants named above shall be released on bail in the event of their arrest in Crime No. 39/2015 registered with Police Station Bembali, Taluka and District Osmanabad for the offences punishable under Section 306 of the Indian Penal Code, 1860 on their executing P.R. Bond of Rs.20,000/- (Rs. Thousand only) each with one solvent surety in the like amount.
- ii. Criminal application is disposed of.

(V. M. DESHPANDE, J.)

JPC