

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 283 OF 2015

1. Ravindra Manikrao JagtapApplicants
2. Nandakumar Sadashiv Baravkar

V/s.

The State of MaharashtraRespondent

Mr. M. S. Mohite a/w Mr. Prashant Patil for Applicants
Ms. R. V. Nevton APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : MARCH 12, 2015

PC :

1) Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicants herein are apprehending their arrest in crime no. 18 of 2015 registered at Jejuri Police Station for offence punishable under sections 306, 323, 504, 506 r/w 34 of Indian Penal Code and offence punishable under section 3 (1) (2), 3 (1) (5), 3 (1) (10) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2) Applicant no. 1 happens to be trustee of Shivaji Shikshan Prasarak Mandal, Saswad, whereas, applicant no. 2 is the principal of the secondary

school run by Shivaji Shikshan Prasarak Mandal, Saswad. It is the case of prosecution that one Arvind Pandurang Dodke was working as a clerk in a school run by said trustee at Saswad. He had put in service for 21 years. He was absent without leave from 01/03/2012 to 05/01/2013. That principal of the said school had requested him to join the services or to follow the procedure duly established by Law, however, Arvind Dodke had threatened the principal and therefore, principal was constrained to lodge a report on the basis of which, a non-cognizable case was registered. Arvind Dodke joined the services on 05/01/2013. On 01/11/2014, he had proceeded on leave without applying for it. On 15/11/2014, Arvind Dodke had filed an application seeking voluntary retirement from service. Upon scrutiny of the said application, it was noticed that there were certain lacunas in the said application and therefore, he had been requested to comply with the objections, fill up the lacunas and thereafter, voluntary retirement from service could be granted. On 29/01/2015, Arvind Dodke had committed suicide.

3) Perused papers of investigation. It appears from the record that on

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31/01/2015, son of the deceased namely Akshay Dodke lodged a report at the police station alleging therein that his father was constrained to commit suicide due to the harassment meted out to him at the hands of the present applicants. It was specifically stated in the F.I.R. that on 29/10/2014, present applicants had assaulted the deceased in the presence of auditors and others. According to the complainant, his father had felt humiliated and could not take insult any more and has therefore, committed suicide. Applicants herein are being prosecuted for offence punishable under section 306, 323, 504, 506 r/w 34 of Indian Penal Code and section 3 (1) (2), 3 (1) (5), 3 (1) (10) Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

4) It appears from the papers of investigation that a chit was found in the pocket of the deceased which was seized in the panchanama. It is stated in the said chit that on 29/10/2014, in the presence of clerks of other branches and staff of EPF i.e. provident funds, applicants had assaulted, humiliated and abused the deceased. That he was being harassed on account of his caste. That he had not approached the police station, however, being fed up with the humiliation meted out to him at the hands of applicants, he had committed

suicide.

5) It is pertinent to note that incident of humiliation in the presence of staff had taken place on 29/10/2014. Deceased was on leave from 01/11/2014. He had applied for V.R.S. on personal grounds. It cannot be said that after lapse of period of more than two months, he had committed suicide because of the humiliation meted out to him. Prima facie, applicants cannot be held liable for offence punishable under section 306 of Indian Penal Code, since there is no element of abetment or instigation for commission of suicide. Hence, applicants deserve grant of pre-arrest bail. It is made clear that Observations made herein above are prima facie in nature and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, applicants be enlarged on bail on furnishing P. R. bond in the sum of Rs. 15,000/- each and one or two sureties in the like amount.
- (iii) Applicants shall report to the concerned police station as and

when called.

(iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)