

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 531 OF 2016

Chandrakant Sobhachand Bafna & Ors ... Applicants
Vs
The State of Maharashtra & Anr. ... Respondents
WITH
CRIMINAL APPLICATION NO. 290 OF 2016
IN
ANTICIPATORY BAIL APPLICATION NO. 531 OF 2016

Mangal Vilas Karanjule ... Intervener

IN THE MATTER BETWEEN :

Chandrakant Sobhachand Bafna & Ors ... Applicants
Vs
The State of Maharashtra & Anr. ... Respondents

Mr. A. P. Mundargi, Senior Advocate i/b. Pralhad D. Paranjape,
Advocate for the Applicants.

Mr. S. S. Pednekar, A.P.P. for the State.

Mr. M. S. Mohite, Advocate i/b. S. S. Patil for the Intervenor.

Mr. U. D. Bhajanwale – A.P.I. (Shirur Police Station) is present.

CORAM : A. M. BADAR, J.

DATE : 16 JUNE, 2016

P.C. :

1 Applicants / accused in Crime No. 71/2016 registered
with Shirur Police Station, Pune, District Pune at the instance of

informant-Mangal Vilas Karanjule, widow of deceased Vilas Karanjule for the offences punishable under section 306 read with section 34 of the Indian Penal Code, by this application under section 438 of Cr.P.C. are praying for pre-arrest bail. Applicant No. 1 is stated to be the Trustee, applicant No. 2 is stated to be Vice-President and applicant No. 3 is stated to be Secretary of “Shirur Shikshan Prasarak Mandal” which runs “Vidyadham Prashala”, Shirur. Applicant No. 4 is Headmaster of that school, whereas applicant no. 5 is stated to be a retired clerk of the said school.

2 Heard the learned senior counsel appearing for applicants at a considerable length. According to the learned Senior counsel for the applicants, allegations against present applicants are to the effect that they abated commission of suicide of Vilas Karanjule by pressurizing him for tendering an application for voluntary retirement on the pretext that parents of two girl students have made complaint of misbehavior against him and in this way deceased Vilas Karanjule was compelled to retire from service. The

learned Senior counsel by taking me through various dates, on which events took place, argued that there is no proximate connection between suicide of Vilas Karanjule and the act of tendering an application for voluntary retirement by him. It was argued that the deceased submitted application for voluntary retirement on 17.10.2015 and he received relieving letter on 20.10.2015. The alleged act of commission of suicide by him has taken place on 23.02.2016 and as such it cannot be said that applicants had instigated or provoked the deceased to commit suicide. The learned Senior counsel argued that “abatement” requires mens rea and intention, which is absent in the case in hand and therefore liberty of applicants need to be protected. He further argued that two parents of the girl students, who were taken to Baramati for some competition by deceased Vilas Karanjule Ms.Mhaske (another teacher) had made complaint of misbehavior by the deceased. Parents of those girls students requested the management not to take police action. In order to save reputation of the school, girl students so also to protect interest of teachers concerned, applications for

voluntary retirement tendered by them were accepted instead of lodging F.I.R. As such, it cannot be said, even *prima facie*, that applicants have abated the deceased to end his life. The learned counsel further argued that in order to complete the statutory period of 3 months and in order to avoid loss of pensionary and retiral benefits to teachers, applications for voluntary retirement were showing dates as 17.7.2015 and after following due procedure voluntary retirement was granted to the concerned teachers.

3 As against this, the learned APP argued that there are statement of witnesses which shows that deceased -Vilas Karanjule was detained in the school for a day and he was compelled to tender resignation as he had claimed promotion as per his seniority. The learned APP further argued that the act on the part of applicants goes to show that the deceased was compelled by them to end his life and applicants were having requisite knowledge of ensuing consequence of their acts.

4 I have also heard Shri Mohite the learned counsel appearing for the informant. He argued that the deceased was continuously applying for promotion on completion of 30 years of service and in order to get rid of him, he was called in the office for inquiry of false complaints and without following due procedure, a show inquiry was made and his services were put to end. This act, according to the learned counsel for the informant, was sufficient for the deceased to end his life. He further argued that manipulation of record is done as applicants were having requisite intention and knowledge of consequences can certainly be attributed to them.

5 I have carefully perused the papers of investigation. Few dates are required to be taken note of. It was on 10th and 11th October 2015 that Vilas Karanjule (since deceased) had taken a team of girl students to Baramati for enabling them to take part in sport competition. Record of investigation shows that another lady teacher by name Ms. Maske was accompanying the deceased. A sport teacher by name -Dada Saheb Udmale was also with them. Vilas

Karanjule had committed suicide at a house in Village Padali by hanging, on 23.2.2016. The cause thereof is stated to be causing end of his services by members of the management of his school by compelling him to tender an application for voluntary retirement.

6 In the light of these background facts, FIR lodged by informant-widow reveals that the deceased had served the school for 30 years and he had applied for promotion to the post of supervisor in May 2015. The informant further alleged that the management had not taken cognizance of such request. As per F.I.R., on 17.10.2016, when Vilas Karanjule was on leave, he was called by the headmaster (Applicant No.4) at the school at 11.00 am. and he accordingly went to the school. Informant- widow reported that her husband returned home at about 9.00 pm and informed her that the headmaster of the school told him that two parents of girl students of the sport team made complaints of misbehavior with girls students. The widow further reported that her deceased husband was forced to resign with a warning that on failure, he will be paraded naked by

the parents standing outside the school. The informant further reported that her husband informed her that he was detained in the office of the school without even allowing him to have water or food. According to the informant 3 days thereafter a peon of the school gave letter dated 17.10.2015 terminating services of her husband. According to the informant, her husband told her that by leveling false allegation him, resignation letter was obtained from him forcibly. According to the FIR even on 22.2.2016 at about 8.00 pm, the deceased had told his widow that false allegations were leveled against him and he was forcibly made to resign. The deceased is reported to have wept before the informant on 22-02-2016 by saying that he will not be taken back in service. On the next date i.e. on 23.2.2016, said Vilas Karanjule indulged in a self effacement.

7 Now let us examine whether prima facie it can be said that present applicants have instigated, provoked or encouraged the deceased with requisite mens rea in commission of suicide, so as to infer their complicity in the crime in question.

8 The deceased has spent 30 years in serving the school and the services was the only source of earning bread and butter for his family. Statement of Sunita Maske, a co-delinquent in the alleged act of misconduct reveals that on 17.10.2015, members of the management of the said school including the headmaster called her and told her that the Education Officer and Police Station Officer are calling frequently. They further informed her that offence will be registered against her as well as Vilas Karanjule and that they will be put behind the bar. She further stated that after pressurizing her, application for voluntary retirement was obtained from her on 17.10.2015 and she was warned not to enter into the school. She stated that thereafter Vilas Karanjule was taken before the members of the Managing Committee (i.e. Applicants No.1 to 4).

9 During investigation, the Investigating Officer has also recorded statement of senior most staff member of the school, who stated that in fact on 13.10.2015 itself the so-called complaint made by the parents was amicably settled and the parents reported that

they have no grievance what so ever against Vilas Karanjule. Similar is the statement of the parent of the girl student, who himself is a teacher in other educational institution. He reported that on 13.10.2015 itself the matter was settled and there was no grievance against Vilas Karanjule. Statement of Sunita Maske, a co-delinquent teacher is also on same line.

10 Statement of senior most staff member of the school further shows that as per instructions of the applicant/headmaster deceased Vilas Karanjule was called in the school at 11.00 a.m and he was detained in a room. In between 2 to 3 p.m., Vilas Karanjule had telephonically informed this senior staff member and told him that he is confined in a room without food or water. The senior staff member further reported to the Investigating Officer that Vilas Karanjule told him that the management is insisting him for tendering the application for voluntary retirement. He further reported that when he came back to the school at about 4.30 pm, he saw Vilas Karanjule kept in one room and thereafter at about 6.30

pm said Vilas Karanjule was taken before the management.

11 The material collected by the Investigating Officer as such goes to show that while on leave, Vilas Karanjule was compelled to come to the school and was literally confined throughout the day in a room in the said school.

12 Now let us see what happened next in order to ascertain whether the act of ending life by Vilas Karanjule is as a result of abatement by present applicants. Alongwith application, the document titled as minutes of meeting of the Inquiry Committee is placed on record at page No. 57. This document shows that in pursuance to letter dated 16.10.2015 of the Head Master, an inquiry was conducted by the management. This Inquiry Committee, as reflected from the said document, was comprising of applicants Nos. 1 to 3 and other 2 members. This report prima facie shows that deceased Vilas Karanjule was produced before that committee and his statement was recorded wherein he has stated that as only one

room was allotted to the sports team at Baramati, he slept in that room where the girls students slept. The Inquiry Committee then noted that Vilas Karanjule and Ms. Maske during the course of inquiry tendered applications for voluntary retirements. At this juncture, it needs to be pointed out that the material collected during investigation shows that on 13.10.2015 itself the matter was settled and no grievances of the parents of the girls was subsisting against those two teachers.

12 So far as alleged misconduct is concerned, statement of Dada Saheb, a sport teacher shows that he also slept in the said room alongwith Vilas Karanjule. His statement does not reflect any misconduct by said Vilas Karanjule. Even otherwise no details of alleged misbehavior by the deceased with girl students seems to be available with applicants who are members of the management.

13 Perusal of applications for voluntary retirement by the teachers goes to show that subsequently the date is written thereon

is 17.7.2015. The FIR avers that undated application was obtained from the deceased. According to applicants, those applications for voluntary retirement were tendered on 17-10-2015 during inquiry. Obviously this manipulation was done by applicants in order to have statutory period of 3 months for relieving Vilas Karanjule on 17.10.2015 i.e. on the date of alleged meeting of the Inquiry Committee.

14 The management as well as the headmaster who is the ex-officio Secretary of the School Committee cannot be said to be oblivious of the provision of the Maharashtra Employees of Private Schools (Condition of Service) Regulation Act, 1971 and the Rules framed thereunder. Rule 28 of the Rules provides for grounds for imposing punishment whereas Rule 36 provides the procedure for imposing punishment. Allegations are required to be communicated to the delinquent teacher and thereafter Inquiry Committee, as prescribed by Rules, including representative of the management and that of the concerned teacher so also the State awardee teacher etc.

is required to be constituted. In the case in hand, applicants themselves appears to have taken up the role of Inquiry Committee. This, according to the informant, is only because deceased Vilas Karanjule was claiming promotion. Record of investigation shows that the Investigating Officer has collected copies of such applications claiming promotion moved by the deceased, by requesting the management to correct his seniority.

15 Statement of witness - Laxmi goes to show that on 23.2.2016 i.e. on the date of incident, the deceased met her and narrated his woes to her and told her that even on 23.2.2016 he had been to the school but the headmaster had driven him out of the school. This averments is required to be read in contest with the averments in the FIR that on 22.2.2016 the deceased had informed the informant that false allegations are leveled against him and he is forcibly made to resign. Prima facie it appears that with a hope that he will be continued in service, the deceased was visiting the school and upon coming to know that he will not be taken back in the

employment, he had taken the extreme step of commission of suicide.

It is thus clear that applicants No.1 to 4 who were employees of the deceased have created such circumstances by throwing him out of the employment without following the due process of law by coercing him to apply for voluntary retirement that there was no alternative with the deceased teacher but to opt for ending his life.

16 'In the light of these facts born from the record of investigation, it cannot be said that the applicants, except applicant No. 5 who is reported to be retired clerk, had not provoked, instigate or encouraged the deceased to commit suicide, particularly when he was claiming promotion. A teacher removed from service abruptly in such a manner in flagrant disregard to law cannot be said to have any other option than to indulge in self-effacement and therefore, it cannot be said that applicants were not aware that the deceased may take such extreme step. Such unceremoniously

ousting of an employee from out of an employment amounts to his Civil death and resultant suicide by him can prima facie be attributable to instigation by Applicants No. 1 to 4.

16 Considering the nature of allegation against the applicants except applicant no. 5, they are not entitled to the reliefs claimed and their custodial interrogation even otherwise is necessary. Their complicity in the Crime in question is clear. So far as applicant No. 5 is concerned, he is a retired clerk and does not seem to have holding any position of authority in the management. Therefore the following order :

ORDER

- (i) The application is partly allowed.
- (ii) In the event of his arrest in crime No.71/2016 for the offences punishable under section 306 read with Section 34 of IPC registered with Shirur Police Station, Pune, District

Pune, Applicant No. 5 -Pandurang Shankar Wetal be released on bail on executing PR bond in the sum of Rs. 5000/- and on furnishing surety in the like amount.

(iii) As a condition of this order, Applicant No. 5 should attend Shirur Police Station, Pune on 19th and 20th June, 2016 in between 11 a.m. to 1 p.m. and he should co-operate the investigating officer till filing of the chargesheet.

(iv) In addition, Applicant/accused no. 5 is directed that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade such person from disclosing such facts either to the Court or to any police officer and that said applicant shall not tamper with the prosecution evidence in any manner.

(v) The applicant no. 5 should co-operate the trial court in

expeditious disposal of the trial, in the event of filing the charge-sheet.

(vi) The applicant should not commit offence of similar nature in future.

17. The Application for anticipatory bail of rest of Applicants/accused is rejected.

18. In view of the above order, application no. 290 of 2016 filed by the intervenor stands disposed of.

(A. M. BADAR, J.)