

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2055 OF 2016

Julian Luke	...	Applicant
	Vs.	
The State of Maharashtra	...	Respondent

Mr. A.H.H.Ponda i/b. Ms. Falguni Brahmbhatt, Advocate for the applicant.
Mr. S.S.Pednekar, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 13th October, 2016.

P.C.

1. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 21.9.2016 in Crime No.63 of 2016 registered at Deolali Camp Police Station for the offence punishable under Sections 306 and 506 of the Indian Penal Code.

2. Heard the respective counsel. Perused the papers of investigation.

3. It is the case of the prosecution that the present applicant is working as a Principal of Barnes School, Deolali Camp, Nashik. It appears that the staff of the said School had filed Complaint (ULP) No.142 of 2016 before the Industrial Court at Nashik and had alleged unfair labour practices

against the management of the said School as well as the present applicant. The staff had also issued a notice of strike on 15.2.2016. It appears that the management had also appeared before the Court. The Enquiry was initiated against the staff. The enquiry report indicates that an inquiry was also initiated against 29 non-teaching staff members. One of them was Shri Chinnappa Mundri. The matter was pending before the Labour Court and the Industrial Court and there was an attempt for conciliation before the Labour Commissioner at Nashik.

4. The Industrial Court had issued notice calling upon the workers to file Say. However, no say or affidavit was filed by Chinnappa before the Court or the Inquiry Officer. Despite the fact that there was an attempt for conciliation, the workers had sent notice of strike and hence on 5.6.2016, the Enquiry Officer had given the final order that in the opinion of the Enquiry Officer, it is a fit case for awarding punishment as the management thinks just and proper. It was observed as follows:

“It is pertinent to note that this is a fit case for disciplinary action to be taken by the management against the workers for his alleged act in the charge-sheet.”

5. After passing of the order by the Enquiry Officer, the management

had dismissed Shri Chinnappa by an order dated 23.3.2016. Along with Shri Chinnappa, 28 others were also dismissed from service.

6. It appears that on 21.9.2016 at about 6.30 a.m. Chinnappa committed suicide by hanging himself to a Neem tree at the gate of the Barnes School.

7. On 21.9.2016 itself, one of the co-workers i.e. Ramesh Deshmukh filed a report at the police station alleging therein that despite the fact that the staff members had approached the Principal to act as a mediator between the management and the staff, the Principal had not taken any step in the interest of the staff members. It is also alleged that the Principal had dismissed 29 staff members and hence Chinnappa had committed suicide.

8. The applicant has been in custody for more than three weeks. Upon perusal of the papers of investigation, it appears that a discordant note had struck between the Principal and the staff members and that the Principal had followed the directions/orders of the management. It cannot be said that by passing an order of dismissal, the applicant herein in the capacity of a Principal had abetted, facilitated or instigated Chinnappa Mundri to commit suicide. In view of this, the applicant deserves to be enlarged on bail as further incarceration would be unwarranted and

unjustified.

9. The observations made hereinabove are prima facie in nature and shall not be construed for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

- (i) The application is allowed.
 - (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
 - (iii) The applicant shall report the concerned police station as and when called.
 - (iv) Parties to act on an authenticated copy of this Order.
- The application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)