

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2044 OF 2016

1 Suvarna Shrimant Kharat.
2 Chandrakant Popat Khurunge. ... Applicants.

Versus

The State of Maharashtra. ... Respondent.

Mr. Rahul K. Dhaygude, advocate for Applicants.

Mr. Prashant Jadhav, APP for State.

Mr. Ramesh Ramchandra Bhosale, PSI, Phaltan Gramin Police Station,
Satara.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : NOVEMBER 28, 2016**

P.C.:

1 Heard the learned Counsel for the applicants and the learned
APP for State. Perused the papers.

2 This is an application under Section 438 of the Code of Criminal
Procedure, 1973. The applicants herein are apprehending their arrest
in C.R. No. 330 of 2016 registered at Phaltan Gramin Police Station,

Satara for offence punishable under section 306, 323 read with section 34 of the Indian Penal Code and section 3(2)(5) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act and section 3(2) of the Civil Right Protection Act.

3 It is the case of the prosecution that on 21/10/2016 Rahul More lodged a report at the police station alleging therein that his son Rutik was bring harassed by his teacher namely, Khurange Sir. Rutik was studying in 11th standard in commerce faculty in Janai High School and Junior College, Rajale. It is alleged in the first information report that on 19/10/2016 Rutik was appearing in his first semester examination. That the complainant opened one of the rooms of his house and found his son Rutik hanging to angle of the house. A chit was found in his pocket which indicated that he had committed suicide due to the harassmt faced by him at the hands of the present applicant. On the basis of the said report, offence was registered.

4 In the course of investigation, the investigating officer has recorded statement of Sangram Bansode, who happens to be good friend of deceased Rutik. Both were attending same college and were studying in the same class. He has disclosed that on 20/10/2016 their semester examination had commenced. Rutik was seated on the first bench whereas Sangram was sitting just behind him. That he was indulging into copying answers. The applicant No. 1 had seen him copying and had asked him to give the paper and leave the class. Rutik refused to leave the class upon which the applicant No. 1 was constrained to call the applicant No. 2. Thereafter, Rutik had left the class. In the afternoon, he did not appear for second paper and went home and committed suicide.

5 It cannot be said by any stretch of imagination that the applicant had instigated, facilitated or abated commission of suicide. Moreover, there is nothing on record to even remotely indicate that the applicants have committed offence punishable under section 3(2) (5) of the Schedule Caste and Schedule Tribe (Prevention of

Atrocities) Act. There was no discrimination on the ground that Rutik belongs to Schedule Caste. The applicants were only maintaining discipline at the time of examination and therefore, rigour of section 18 of the said Act cannot be taken into consideration. It is in this circumstance that the applicants deserve grant of pre-arrest bail.

6 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 438 of the Code of Criminal Procedure, 1973. The learned Sessions Judge shall not be influenced by the same at the time of trial.

7 Hence following order is passed :

ORDER

(i) In the event of arrest in Crime No. 330/2016, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- each and one or more sureties in the like amount.

(ii) The applicants shall report to the concerned police station as and when called and cooperate with the Investigating Officer to the best of their capacity.

(iii) The applicants shall not tamper with the evidence.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)