

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

1 CRIMINAL APPLICATION NO. 1156 OF 2017  
WITH APPLN/1170/2017

VINAY S/O RAMCHANDRA PAWAR  
VERSUS  
THE STATE OF MAHARASHTRA

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Shri. A.D. Shinde, Advocate, for applicant in Criminal  
Application No.1156 of 2017

Shri. V.D. Hon, Senior Counsel, instructed by Shri. Ashwin  
V. Hon, Advocate, for applicant in Criminal Application  
No.1170 of 2017.

Shri. S.W. Munde, Additional Public Prosecutor, for  
respondent.

Shri. S.W. Jawale and P.S. Jawale, Advocates, for the  
original complainant (to assist the Additional Public  
Prosecutor)

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**Coram: T.V. NALAWADE, J.**

**Date: 3 April 2017**

**ORDER:**

1) Both the applications are filed for relief of  
anticipatory bail in Crime No.9/2017 registered in Rahata  
Police Station, District Ahmednagar for offences  
punishable under sections 306, 323, 506, 34 etc. of the  
Indian Penal Code and for offences under the provisions of

the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the applicants. Both the sides are heard.

2) The crime is registered on the basis of report given by one Prakash Salave, maternal uncle of the deceased. The deceased was aged about 15 years. He was belonging to backward class community. He was studying in 10th Standard. The applicants are working as teachers in the same school.

3) There is allegation against the present applicants that they harassed the deceased and they gave beating to the deceased on 23-1-2017 in the office of the school. It appears that there was some grievance expressed by one girl, who was school-met of the deceased that the deceased was misbehaving with her. There are allegations that present two applicants gave beating to him on 23-1-2017 and they harassed him like anything due to the said grievance of the girl. There are statements of the school-mets of the deceased who include a girl showing that such incident took place in the office of

the school and due to beating given, the deceased was crying but prior to that the deceased had disclosed to the girl students that the girl who had made oral complaint to the school was trying to misbehave with him even when he was treating her like a sister.

4) There are statements of many school-mets of the deceased which support that the incident took place against the deceased on 23-1-2017. On 23-1-2017 itself when the deceased was appearing for a paper of 10th Standard examination he left the hall in the midst, ran out and then committed suicide by jumping before train. Thus the suicide took place on the same day.

5) There is statement of the girl who had expressed her grievance before the teachers of the school and there are some statements of other school teachers. They show that the deceased was called to the office but the teachers are supporting the present applicants. There are versions of two different nature and the fact remains that after the incident which took place in the office of the school a boy aged 15 years belonging

to backward class community committed suicide by jumping in front of train. The girl involved belong to higher caste community. These circumstances cannot be ignored. Granting of anticipatory bail is a discretionary power. Due to the class bias such things happen. In stead of calling the parents of the deceased or some elder relatives and when the deceased was to appear for examination on the same day such action was taken against him. The deceased must have felt humiliated. It is difficult to make guess of the mind of such boy of tender age after such incident takes place. The submissions made by the learned Senior Counsel that case of abatement of suicide is not made out cannot be accepted at this stage. When a boy of tender age commits suicide immediately after the incident, at present such submission cannot be accepted and it is always open to the Court to draw presumption of abatement of suicide in view of the material available before it. In view of these circumstances this Court holds that discretionary power cannot be used in favour of the applicants who are teachers. The contention made that they would suffer in their service cannot be accepted in such a serious case.

Custodial interrogation in such case is a must. That would help the investigating agency to collect more material with regard to the action taken probably due to class bias. In the result, both the applications stand rejected. Interim relief stands vacated. The learned Senior Counsel requested for continuation of the interim relief. It is refused.

Sd/-  
**(T.V. NALAWADE, J.)**

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