

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

Criminal Appeal No. 582 of 2017

Narendra Gorakh Mahale. .. **Appellant.**

Versus

The State of Maharashtra
And Another. .. **Respondents.**

Shri. Amol S. Sawant, Advocate, for appellant.

Shri. S.J. Salgare, Additional Public Prosecutor, for
respondent No.1.

Shri. U.A. Bhadgaonkar, Advocate, for respondent No.2.

With

Criminal Appeal No. 585 of 2017

Girish Bhaurao Salunke. .. **Appellant.**

Versus

The State of Maharashtra
And Another. .. **Respondents.**

Shri. Joydeep Chatterji, Advocate, for appellant.

Shri. S.J. Salgare, Additional Public Prosecutor, for
respondent No.1.

Shri. U.A. Bhadgaonkar, Advocate, for respondent No.2.

**Coram: T.V. NALAWADE &
S.M. GAVHANE, JJ.**

Date: 19 December 2017

ORDER:

1) Both these proceedings are filed in Crime No.136/2017 registered in West Deopur Police Station, District Dhule for offences punishable under sections 305, 306, 34 of Indian Penal Code and section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2) The learned Judge of the Special Court has rejected both the application filed for bail by the appellant from Criminal Appeal No.582/2017 and the application for anticipatory bail filed by the appellant from Criminal Appeal No.585/2017. Both the sides are heard.

3) Papers of investigation are shown to this Court by the learned Additional Public Prosecutor. Learned counsel who represents the original complainant, parents of the deceased is also given hearing.

4) Present appellants are taking tuitions of science stream students. The deceased was admitted in the tuition classes of these appellants. The deceased has left behind a suicide note in which she has blamed the present appellants (she has blamed even her friends by saying that they were not real friends). It appears that on 27-11-2017 one incident took place in the tuition classes of appellant Girish Salunke that on that day he had asked explanation to the students who had not attended the classes on 26-11-2017 as many students had not attended the classes. The deceased along with other students were made to stand up and then Girish Salunke used words against them as they were not showing sufficient sincerity. The deceased committed suicide due to this incident. She felt humiliated and insulted due to the so called scolding which came from Salunke.

5) This Court has gone through the contents of suicide note and the statements given by many students of the class of Salunke. The students have given statements that it was general advice of the teacher and the deceased was not singled out. This Court is avoiding to make more

discussion of the material as it is the initial stage of investigation. In any case, it cannot be said that the incident took place due to circumstance that the deceased belonged to the Scheduled Caste or that she was singled out. So, bail needs to be granted to the appellant from Criminal Appeal No.582/2017. Interim protection is already given to the appellant from Criminal Appeal No.585/2017.

6) In the result, the protection granted to the appellant-Girish Salunke from Criminal Appeal No. 585 of 2017 is hereby confirmed. The appellant is to attend the concerned police station on every Sunday for the period of one month between 9 a.m. and 12.00 noon and he is to cooperate police during investigation.

7) Criminal Appeal No.582/2017 is allowed. The appellant - Narendra Gorakh Mahale is to be released on bail in Crime No.136/2017 registered at West Deopur Police Station District Dhule for offences punishable under sections 305, 306 read with section 34 of Indian Penal Code and section 3(2)(v) of the Scheduled Castes and the

Scheduled Tribes (Prevention of Atrocities) Act on his furnishing P.R. and S.B. of Rs.15000/- (Rs. fifteen thousand) with one surety in the like amount. He is not to tamper with prosecution witnesses. He is not to commit similar offences. He is to cooperate police during investigation.

Sd/-
(S.M. GAVHANE, J.)

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

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