

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.265/2017

Vipin S/o Balasaheb Shingane

..Vs..

State of Maharashtra, through Police Station Officer, Police Station Asegaon
(Pruna), Tq. Achalpur, Distt. Amravati

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.R. Rathod, Adv. for the applicant.
Shri N.R. Patil, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 4.7.2017.

Heard.

The applicant, apprehending arrest in connection with crime registered by the non-applicant against him and five others for the offence punishable under Section 305 read with Section 34 of the Indian Penal Code, has sought pre-arrest bail.

The crime is registered on the complaint lodged by Sudhakar Vitthalrao Nandane (father of victim, aged about 15 years).

According to the investigating agency, 4 students of the school, where the victim was studying, used to tease her and harass her and when she complained about it to the Headmaster (co-accused) and the applicant, they used to beat the victim and in view of harassment, she has committed suicide.

The investigating agency relies on the suicide note alleged to have been left by the victim.

The learned A.P.P. has submitted that there is ample material available with the Investigating Agency which shows that the applicant is responsible for the incident alongwith co-accused. It is pointed out that Criminal Application (ABA) No.266/2017 filed by co-accused Amol Makode is dismissed by this Court by the order passed on 4th May, 2017.

The alleged suicide note on which investigating agency relies does not refer to the name of the present applicant. The learned Advocate for the applicant has submitted that the co-accused Amol Makode, after rejection of his application seeking pre-arrest bail, has filed an application under Section 482 of the Code of Criminal Procedure praying that the F.I.R. registered against him be quashed. It is pointed out that in this Criminal Application (APL) No.364/2017, the Division Bench of this Court has passed an order on 15th June, 2017 that coercive action should not be taken against Amol Makode.

The applicant, aged about 33 years, claims to be working in the school as Teacher on part-time basis. The applicant has stated that any other crime / offence is not registered against him.

Considering the facts of the case, the following order is passed:

In the event of arrest in connection with Crime No.92/2017 registered by the non-applicant, the

applicant be released on bail on executing P.R. bond for Rs.50,000/- (Rs. Fifty Thousand) and furnishing two solvent sureties each for Rs.25,000/- (Rs. Twenty Five Thousand).

The application is **allowed** accordingly.

JUDGE

Tambaskar.