

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 457 OF 2023

Hitesh Sharma ...Applicant
V/s.
The State of Maharashtra & anr. ...Respondents.

Mr. Ashish Dubey a/w. Mr. Anurag Ghag and Mr. Kaushal Sharma
for the Applicant.
Mrs. Rutuja Ambekar, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 14.02.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No. 1047 of 2022 registered at Bhosari Police Station, Pimpri-Chinchwad for the offence punishable under Section 305 of the Indian Penal Code.
3. I have heard the learned counsel appearing for the applicant and the learned APP for the respondent / State.
4. According to the prosecution, the deceased was studying in 10th standard in Priyadarshini English Medium School, Bhosari, Pune. It is alleged that the present applicant, who was working as Head Master in the said school, used to beat the deceased on flimsy ground. It is alleged that the applicant used to say to the

deceased that he would not give him internal marks. It is alleged that few days prior to the incident, the present applicant for no reason had rusticated the deceased from school. It is alleged that the deceased could not bear the physical and mental harassment caused by the applicant and committed suicide on 13 December 2022.

5. The learned counsel for the applicant submits that the deceased was not the regular student of the school as he had failed in 9th standard. It is submitted that the deceased was going to appear in SSC examination as external student. It is submitted that there were in all 47 students like the deceased and the school was conducting separate classes for them. It is submitted that thus, there arises no question of rusticating the deceased from the school. It is submitted that there is a delay of 10 days in lodging the FIR. It is further submitted that there is no need of custodial interrogation as nothing is to be recovered from the applicant. It is therefore, submitted that the applicant may be released on anticipatory bail.

6. On the other hand, the learned APP submits that considering the nature of offence, the applicant may not be released on anticipatory bail.

7. I have perused the FIR. There is an explained delay of about 10 days in lodging the FIR. Considering the overall facts and circumstances and as there is no need of custodial interrogation, I

am inclined to release the applicant on anticipatory bail. In the result the following order is passed.

ORDER

- A) The Application is allowed.

- B) In the event of arrest of the applicant in C.R. No. 1047 of 2022 registered at Bhosari Police Station, Pimpri-Chinchwad for the offence punishable under Section 305 of the Indian Penal Code, he shall be released on bail on executing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

- C) The applicant shall attend the concerned police station as and when called by the Investigating Officer and shall cooperate in the investigation.

- D] The applicant shall not tamper with the prosecution evidence.

[N.R.BORKAR, J.]