

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

CRIMINAL APPEAL NO. 212/2023.

Rahul Dattatraya Wankhade,
Aged 46 years, Occupation -
Service, resident of c/o. Sandeep
Ramdas Makode, Vishnu Nagar,
Near Narayan Nagar, Navsari,
Amravti, Taluq and District
Amravati.

... **APPELLANT.**

VERSUS

1.State of Maharashtra,
through Police Station Officer,
Police Station Chandur Bazar,
District Amravati.

2.Pravin Vasudeo Manohare,
Resident of Shirajgaon Band,
Tq. Chandur Bazar,
District Amravti.

... **RESPONDENTS.**

Mr. V.B. Bhise, Advocate for the Appellant.
Mr. V.A. Thakare, A.P.P. for Respondent No.1/State.
Respondent No.2 – Served.

CORAM : **VINAY JOSHI AND**
BHARAT P. DESHPANDE, JJ.

DATE : **APRIL 17, 2023.**

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard finally by consent of the learned Counsel present for the parties.

Admit.

2. This appeal raises a challenge to the rejection of prayer of anticipatory bail in Criminal Bail Application No.138/2023 dated 16.03.2023 by the Additional Sessions Judge-1, Achalpur.

3. The appellant apprehends to be arrested in connection with Crime No.185/2023 registered with Chandur Bazar Police Station, Amravati for the offence punishable under Section 305 of the Indian Penal Code read with Sections 3[2][v] and 3[2][va] of the Scheduled Caste and Scheduled Tribes [Prevention of Atrocities] Act. The said crime was registered at the instance of father of the deceased namely Kartikesh, lodged on 06.03.2023.

4. Son of the informant aged 13 years has committed suicide

3

by hanging on 27.02.2023. It is informants case that the deceased was studying in 8th standard at the relevant time. At some time, preceding to the occurrence, the deceased had quarreled with one school mate on which the class teacher has asked the deceased to attend the classes conducted by the appellant, who is a teacher. It is the contention of the informant that all the time the appellant was not allowing the deceased to attend the class and used to humiliate him on account of caste. According to the informant, due to said harassment meted out by the appellant, the deceased has committed suicide by hanging on 27.02.2023.

5. It is the contention of the appellant that the allegations leveled in the first information report are totally false and does not make out a case of abetment to commit suicide. It is argued that though the suicide was committed on 27.02.2023, the crime has been registered on 06.03.2023, which is an after thought version. According to the applicant, the act of the class teacher scolding by no stretch of imagination amounts to instigation or abetment to commit suicide.

6. The State has resisted the appeal by producing case diary. Though the informant is served, he has chosen not to appear in the matter. We have gone through the entire case papers. It is not in dispute that the appellant was teacher, whilst the deceased was a student in the said school. We have perused statements of several witnesses who have stated that the deceased was a mischievous boy, used to quarrel with his colleagues. All the time the appellant used to give him advise. It is also stated by some of the students that the appellant as well as to co-teacher namely Shraddha also gave him a piece of advise, however, the deceased was not listening to them. None of the student supports the informant's case that either the appellant humiliated the deceased in the name of caste or harassed him in any manner. It is a matter of trial to appreciate whether scolding of teacher can be termed as an abetment to commit suicide.

7. Considering the nature of accusation, nothing is to be seized from the appellant. In view of above, the appellant can be protected by putting him to certain stringent conditions to facilitate

the course of investigation. Hence, we proceed to pass the following order.

ORDER

- [i] Criminal Appeal is allowed and disposed of.
- [ii] The impugned order passed in Criminal Bail Application No.138/2023 dated 16.03.2023 by the Additional Sessions Judge-1, Achalpur is hereby quashed and set aside.
- [iii] In the event of arrest of the appellant/accused - Rahul Dattatraya Wankhede in connection with Crime No.185/2023 registered with Chandur Bazar Police Station, Amravati for the offence punishable under Section 305 of the Indian Penal Code read with Sections 3[2][v] and 3[2][va] of the Scheduled Caste and Scheduled Tribes [Prevention of Atrocities] Act, he be released on anticipatory bail on his furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- [iv] The appellant/accused to attend the concerned police station on every Sunday and Wednesday in between 10 a.m. to 12 noon till the filing of the charge sheet or 90

6

days, which ever is earlier.

- [v] The appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the prosecution evidence in any manner.

JUDGE

JUDGE