



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL APPLICATION (ABA) NO.234 OF 2024

Geeta d/o Pareyaldas Panjwani
Vs.
State of Maharashtra, Through Officer-in-Charge of Police Station Khadan,
Akola, District Akola

AND

CRIMINAL APPLICATION (ABA) NO.260 OF 2024

Meera Jassumal Ahuja and another
Vs.
State of Maharashtra, Through Police Station Officer, Police Station,
Khadan, District Akola

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

Court's or Judge's orders

Criminal Application (ABA) No.234/2024
Mr. A. R. Deshpande, Advocate for applicant.
Ms. H. N. Prabhu, APP for respondent/State.
Mr. F. R. Kashif, Advocate for informant.

Criminal Application (ABA) No.260/2024
Mr. A. C. Jaltare, Advocate for applicants.
Ms. Trupti Udeshi, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/06/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.279/2024 registered with Police Station Khadan, District Akola for the offences punishable under Sections 294, 305, 506 read with Section 34 of the Indian Penal Code and under Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

2. The accusation against the present applicants is on the basis of report lodged by Imran Baig Afsar Baig alleging that he had received the phone call from the office of school wherein his son was studying. Therefore, he visited the school. At the relevant time, present applicants and other co-accused informed him that his son harassed one girl. On enquiry with the girl, she denied the said contention, but the present applicants and other co-accused threatened him. After that, he came at home and his son on the same day has committed suicide due to the said incident. He submitted that due to the abetment at the hands of the present applicants, his son has committed suicide.

3. Learned Counsel Mr. Deshpande and learned Counsel Mr. Jaltare for the applicants submitted that as far as the applicant Geeta is a Teacher and applicant Meera is a Principal and another applicant Shailesh is the Assistant Teacher. From the recitals of the FIR, it reveals that general allegations are made against the present applicants. As far as the abetment is concerned, there is no nexus between the alleged act of the abetment and suicide committed by the boy. They further submitted that general allegations are made only to show that they have abetted the boy to commit suicide. There was no instigation, no aiding to the deceased to commit suicide. Now, the investigation is practically completed. As far as the custodial interrogation is

concerned, which is not required as nothing is to be recovered from the present applicants. In view of that both the applications deserves to be allowed.

4. Learned APP in both the applications strongly opposed the said applications on the ground that considering the gravity of the offence that a boy aged about 14 years has committed suicide due to the abetment at the hands of the present applicants, the application deserves to be rejected.

5. After hearing the learned counsel for the applicants and learned APP for the State, perused the recitals of the FIR as well as the investigation papers, from which it reveals that the deceased was enquired regarding the teasing to the girl and there was hot exchange of words between the boy and the present applicants. It is alleged that due to the said incident, the boy has committed suicide. Admittedly, general allegations are made against the present applicants. The nature in which the abetment was there is not at all narrated by any of the witnesses during the investigation. As far as the abetment part is concerned, there should be nexus between the act of the abetment and suicide committed by the deceased. The ingredients of Section 107 of the Indian Penal Code requires to be satisfied. At this stage, considering that applicants have cooperated with the investigating agency when they were released on ad-interim anticipatory bail. The

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custodial interrogation is not required as nothing is to be recovered. In view of that the ad-interim protection granted to these applicants deserves to be confirmed. Accordingly, I proceed to pass following order:

ORDER

(i) Criminal Application (ABA) No.234/2024 and Criminal Application (ABA) No.260/2024 are allowed.

(ii) The interim protection granted to the applicants therein by order dated 10.04.2024 and 16.04.2024 is hereby confirmed by modifying the condition that the applicants shall attend the concerned Police Station as and when required for the investigation purpose.

6. Both the applications are disposed of.

(URMILA JOSHI-PHALKE, J.)