



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

938 ANTICIPATORY BAIL APPLICATION NO. 193 OF 2025

1. ANKUSH SHANKAR GITTE
2. THORAJI DEORAO SURNAR
3. DIGAMBAR JANARDHAN JAMKAR
4. DEORAO THORAJI SURNAR
5. MADHAV GOVIND WAGHMARE

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Kale Netaji Ganpatrao
APP for Respondent/sTATE: Mr. N. B. Patil

...

**WITH
ANTICIPATORY BAIL APPLICATION NO. 203 OF 2025**

VINOD RAGHUNATH MASKE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Dhage Vaibhav B.
APP for Respondent/State: Mr. N. B. Patil

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 27.02.2025

P.C. :

1] Heard learned counsel for the applicants and the learned APP for the respondent-State.

2] The applicants are apprehending arrest in connection with Crime No.282/2024, registered at Malakoli

Police Station, District Nanded, for the offences punishable under Sections 108, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3] This court granted interim protection to the applicants by order dated 17.02.2025 considering the submissions and the reasons recorded at paras 3, 4, 5, 6, 7, 8 and 9, as under:

“3. It is alleged in the FIR that the informant is working as an Assistant Commandant, CRPF. His father was working as a Headmaster at Zilla Parishad School, Limboti. On 19/12/2024, his father committed suicide, leaving behind a suicide note wherein it is mentioned that the deceased was insulted in the school by the applicants. Without hearing him, allegations were made against the deceased, and he was taken to the police station. The informant came to know from his mother that the Sarpanch and others were ill-treating his father, stating that the deceased was under the influence of liquor and had taken him to the police station in a private vehicle. It is further alleged that Rs.80,000/- was taken from his father for not taking any action against him, and accused No.7 took Rs.50,000/- for not publishing the news in the newspaper.

4. The learned Counsel for the applicants submits that the deceased was a habitual drunkard and that a panchanama was prepared in the presence of three Headmasters by the Education Officer, who noticed that the deceased was under the influence of alcohol. It is submitted that the applicants, being villagers, took the deceased to the police station and

pursued the matter further. It is further stated that the deceased had humiliated the children of the village under the influence of liquor.

5. The learned Counsel appearing for the applicant Vinod Maske submits that the applicant is a journalist and that the alleged demand of Rs.80,000/- and Rs.5,000/- is an afterthought, as there is no mention of the same in the suicide note. He further submits that there is no independent evidence to demonstrate that such an amount was paid to the applicant.

6. The learned Counsel for the applicants further submits that their actions were only to pursue the matter against the deceased as he was found in a drunken condition in the school, and their intention was not to drive the deceased to commit suicide.

7. The learned APP submits that the medical report indicates that the deceased was not drunk. There was no smell of alcohol, his speech was clear, his walk was stable, and his eyes were in a normal condition. Considering the same, the medical report indicates that the deceased was not drunk when he was taken to the police station by the villagers and thereafter to the medical officer.

8. Considered the rival submissions. It may be noted that there is no dispute regarding the panchanama having been conducted in the presence of three different Headmasters of different school, by the Education Officer, wherein it was recorded that the deceased was in a drunken condition in the school. Considering this, the deceased was taken to the police station.

9. Further, there is no independent evidence to substantiate the demand for money, and the FIR was registered after eight days, raising the possibility of over implication of the applicants to the extent of monetary demand. Considering the above aspects, the applicants are granted interim protection.”

4] Prima facie, the facts noted in the above paragraphs of order dated 17.02.2025, it cannot be said that the applicants intended the deceased to commit suicide.

5] The learned counsel for the applicants submits that the applicants have attended the concerned police station and cooperated with the investigation.

6] In view of the above, the interim protection granted by order dated 17.02.2025 stands confirmed, on the following terms:

- i] The applicants shall attend the police station as and when required by the Investigating Officer.
- ii] The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicants shall co-operate with the investigation and also in the proceedings before the trial Court.

7] In the event, the applicants violate any of the conditions specified in this order, it shall be liable to be cancelled.

8] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail applications and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9] The applications stand disposed of.

[ARUN R. PEDNEKER]
JUDGE

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