

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 186 OF 2015

Suryakant Krishna Mane. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. I.M. Khairdi, advocate for Applicant.

Mr. S.S. Pednekar, APP for State.

Mr. Vikas Kolekar, advocate for original complainant.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : FEBRUARY 16, 2015

P.C.:

1 Heard the learned Counsel for the applicant, learned Counsel for the original complainant and the learned APP for State. Perused the papers.

2 This is an application under Section 438 of the Code of Criminal Procedure, 1973. The applicant is apprehending his arrest in Crime No. 5 of 2015 registered at Pandharpur Taluka Police Station for

offence punishable under Section 354 of the Indian Penal Code and under Section 7, 8, 12 of the Protection of Children from Sexual Offences Act, 2012.

3 It is the case of the prosecution that on 10/1/2015 complainant Vilas Kapane lodged a report at the police station that his daughter is studying in 10th standard in Bhairavnath School and and Junior College. According to him, on 3/1/2015 when he returned home his daughter had informed him that on 3/1/2015 at about 3.30 p.m. present applicant who happens to be her class-teacher had rubbed his chalk hands to her chick. Imprint of the chalk powder had left on her chick. He had given compliments to her about her looks in front of whole class and therefore, she felt ashamed. On the next day, the complainant had gone to the school. The applicant was not in the school. On 7/1/2015 he lodged report with the Principal/Head Master of the said school. However, the head master in return had informed him that the applicant has not attended the school since then. On the basis of his report, Crime No. 5 of 2015 is registered.

4 Perused the papers of investigation, more particularly, the statement of the victim girl. She has stated before the police that in fact, she is studying in 7th Standard and not in 10th standard. The incident had occurred on 3/1/2015, which is a Saturday. On 4/1/2015 she had attended the school as usual. However, the applicant had not come to school on that day. On 7/1/2015 for the first time she informed the head master about the incident dated 3/1/2015. It is surprising that the student studying in 7th standard had attended school on Sunday. On that day being Sunday, the applicant had not attended the school. He had sought casual leave on 5/1/2015 which is Monday and on 7/1/2015 for the first time, the Head Master had obtained written report from the first informant and had also recorded statements of some of the classmates of the victim. The informant had approached the police station for the first time on 10/1/2015. There is no explanation for the inordinate delay in approaching the police station. In the given facts and circumstances of the case, in fact, it was incumbent upon the principal to lodge a

report at the police station against the teacher, as he had been apprised of the same on 7/1/2015 for the first time.

5 Learned Counsel for the applicant submits that the applicant has some dispute with the management of the said school and that they have foisted the victim girl to lodge a report against him.

6 Be that as it may, the case put up by the prosecution does not inspire confidence of this Court at this stage. Hence, the applicant has made out a case for grant of pre-arrest bail.

7 The observations made hereinabove are prima facie in nature and shall not be considered while deciding application for quashing of FIR or discharge application or at the time of trial.

8 The learned Counsel for the applicant submits that the applicant would not attend school till filing of the charge-sheet or commencing of the academic year whichever is earlier.

9 Hence, following order is passed :

ORDER

- (i) The application is allowed.
 - (ii) In the event of arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- and one or two sureties in the like amount.
 - (iii) The applicant shall report to the police station as and when called and cooperate with the investigating agency to the best of his capacity. The applicant shall not leave jurisdiction of Pandharpur Taluka Police Station for a period of one month from today.
- 10 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)