

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 58 OF 2015

Sameer Sudhakar Salvi. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Rahul A. Hande, advocate for Applicant.

Ms. P.P. Shinde, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 29, 2015

P.C.:

1 Heard the learned Counsel for the applicant 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 herein is apprehending his arrest in
Crime No. 121 of 2014 registered at Wani Police Station for offence
punishable under Section 354A, 295 of the Indian Penal Code and
under Section 3(1)(i)(vi), 3(1)(x) of the Scheduled Caste and
Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under

Section 8 of the Protection of Children from Sexual Offences Act, 2012.

3 It is the case of the prosecution that on 20/9/2014 a female student from K.R.T. High School, Vani lodged a report at the police station alleging therein that she is lodged in the hostel run by Tribal Department of the Government of Maharashtra. There are 8 2 girls in the said hostel. That the present applicant happens to be the superintendent of the boys hostel run by the Tribal Department of the Government of Maharashtra. According to complainant, on 9/8/2014 present applicant has visited the office of the Superintendent of Ladies Hostel. The complainant alongwith other girls was outside the office. The applicant summoned the complainant in the cabin of Superintendent and had attempted to outrage her modesty by holding her hand and attempted to touch her inappropriately. She had complained about it to the Superintendent of Ladies Hostel and the Superintendent had told her that this is a routine course and she need not be perturbed by the same. It is

further alleged that on 14/9/14 the members of Adiwasi Organisation had been to the hostel to ascertain the difficulties faced by the hostel students. The boys from boys hostel had complained to the organisation that the photo frame of Birsa Munda is abandoned in the corner of bathroom and hence sentiments of the students belonging to the sect of Birsa Munda have hurt.

4 The learned Counsel for the applicant has drawn the attention of this Court to the complaint lodged by the present applicant on 19/9/2014, wherein he has specifically made allegations against the members of the organisation, as they had abused him and had obstructed him while he was discharging his official duties. On the basis of his complaint, Crime No. 270 of 2014 was registered at the same police station on 19/9/2014.

5 Learned Counsel has rightly demonstrated that the complaint lodged by the female student on 20/9/2014 is only a counter-blast to the complaint filed by the present applicant. It is further brought to

the notice of this Court that the present applicant belongs to schedule caste and therefore, the present applicant would not be liable for offence punishable under Section 3(1)(i)(vi), 3(1)(x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is further submitted that on 9/8/2014 World Adiwasi Day was declared by the Government of Maharashtra vide Government Circular dated 25/7/2014. The residents of both the hostels alongwith other staff members including the present applicant and the students of the ladies hostel were celebrating the said World Adiwasi Day. Photographs are also placed on record. According to the learned Counsel, the story is concocted as the complainant happened to be forgetful about the fact that on 9/8/2014 the students and the staff were celebrating the World Adiwasi Day as per the Government Circular.

6 Taking into consideration all the aforesaid facts, this Court is inclined to grant pre-arrest bail.

7 Hence, following order is passed :

ORDER

(i) The application is allowed.

(ii) In the event of arrest in Crime No. 121 of 2015, 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 concerned police station as and when called and cooperate with the Investigating agency to the best of his capacity.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)