

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.755 OF 2015

Shri Dilip Balasaheb Narayankar ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.V.S. Talkute for the Applicant
Mr.Arfa Sait, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **APRIL 18, 2015**

P.C.:

1. The application is moved for bail, as the applicant/accused is prosecuted for the offences punishable under sections 8 and 10 of the Protection of Children from Sexual Offences Act, 2012 and section 506 of the Indian Penal Code. The victim, a boy, is of 13 years studying in 8th standard in the Secondary School at village Kalam, Taluka Indapur. According to the case of the prosecution, the incident has taken place on 20.3.2015 in the morning at around at 8am. The applicant/accused is his teacher of Marathi subject. After the lecture of the applicant/accused in the class of the victim boy, the applicant/accused took the victim boy to a public toilet of the school and there he asked him to touch his private parts after taking out his own clothes and of the victim as well. The victim boy refused to do so when he threatened him not to tell about this incident to

anybody and threatened him that otherwise he would fail him. The boy went to his house without attending further classes and at 5pm, when his grandfather and mother came home from work, he narrated the incident to them and thereafter the grandfather on the next day, took him to the school and thereafter gave police complaint. Accordingly, the FIR was registered at C.R. no.42 of 2015 at Walchandnagar police station, Indapur, Pune.

2. The learned Counsel for the applicant/accused has submitted that the applicant is arrested immediately on 20.3.2015. The allegations are false. He is 57 years old and has unblemished service as a teacher in the said school. He submitted that the applicant/accused is made a victim of his hostility between him and the present management. In the year 2012, he had not contributed to some fund which was collected by the school and accordingly, he wrote a letter against the management and therefore, he might have been victimised for the same. He relied on the letter of support written by other teachers and Principal mentioning that the applicant/accused was present on that date and the boy was also present in the school and attended further lectures in the school. He further submitted that the applicant/accused is having a 20 years old son who is differently challenged with 90% disability and is completely dependant on the applicant/accused.

3. The learned Prosecutor has opposed the application. He submitted that it is under the Protection of Children from Sexual Offences Act, 2012. The child is 13 years old school boy. He relied on the statement of the child so also the statement of grandfather. He further pointed out the statement of Mr.Aland, the teacher and other two persons, who had stated they saw the applicant/accused and the boy going to the public toilet after the class of the applicant/accused was over.

4. Perused all the papers, the FIR and the statements of the witnesses so also the statement of the victim boy. It is a case under the Protection of Children from Sexual Offences Act, 2012. Considering the allegations made, no medical evidence is expected and, therefore, even prima facie, it is necessary to consider the probabilities while deciding the bail application. The incident, as per the statement of the boy, has occurred in a public toilet of the school and there, as per his version, the applicant/accused removed his own clothes as also the clothes of the victim boy. At this stage, though this evidence cannot be tested as it can be done only in the trial Court on different yardsticks of the Indian Evidence Act, it can be only said that it was not an isolated public place but it was a public toilet of a school. The incident, as alleged, has taken place at 8 am when the second class of all the school children was over. The applicant/accused is in custody since 20.3.2015 and he is responsible

for his 90% differently abled son, who is entirely dependent on him.

5. In view of this, I am inclined to grant bail on the following terms and conditions:

i) The applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/-, with one or two sureties in the like amount;

ii) The applicant shall not take any class where the victim boy is studying. It is informed that the applicant/accused is suspended. Be that as it may, in future or at any point of time, the applicant/accused shall not take any class of that standard where the boy is studying

iii) The applicant shall not keep any contact with the victim boy and shall not pressurise in any manner or through anybody the boy or his grandfather or the witnesses.

iv) The applicant/accused attend the concerned police station on every Monday, between 5 pm to 6 pm, till filing of chargesheet.

6. Bail application is disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)