

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO.1332 OF 2015**

Ashwini Ravindra Jadhav .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.Niteen Pradhan, Senior Counsel with  
Mrs.S.D.Khot, Advocate, for the Applicant  
Ms Veera Shinde, APP, for the Respondent – State

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 07.09.2015**

**P.C.**

. Heard learned counsel for the applicant  
and the learned APP for the respondent – State.

2. By this application, the applicant  
seeks pre-arrest bail in connection with C.R.No.  
I-296 of 2015 registered with the Tulinj Police  
Station, Nalasopara, District-Palghar, for the  
alleged offences punishable under Sections  
376(2)(b)(i)(k)(f) of the Indian Penal Code,  
1870 and under Sections 5, 8, 9(m)(u)(o) of the

Protection of Children from Sexual Offences Act,  
2012.

3. The applicant is a senior teacher, working in the primary section of Aloysius school at Nalasopara. The incident in question is alleged to have taken place on 08.07.2015 and the FIR is lodged on 11.07.2015. According to the complainant – victim girl, aged four years she knows the applicant, who is a teacher by name. She has stated that one aunty would take her to one sir in his office, and that the said sir would touch her private parts inappropriately. She has stated in the said complaint that she does not know the name of the aunty nor does she know the name of the sir. She has stated that the aunty looks like a tiger and the sir also looked like a tiger and that he was fat with a big belly and had no moustache/beard. In view of the statement of the complainant –

victim girl, the aforesaid FIR came to be registered alleging the aforesaid offences.

4. Learned Senior Counsel submitted that the said statement of the complainant which is treated as an FIR, does not in anyway show the complicity of the applicant. He submits that on 08.07.2015, the victim girl had not identified any person; on 09.07.2015, the entire staff of the said school was called and that the victim girl had identified two class IV employees Sangita and Sunita. He submits that it appears to be a case of mistaken identity and that the applicant had no concern with the alleged offences and with the allegations made. He submits that there is dispute between the school management and parents over fee hike and hence the possibility of false implication cannot be ruled out. He submitted that the applicant has an unblemished record/career of 23 years as a

teacher.

5. Learned APP submitted that although the victim girl had not taken the name of the applicant, as being the aunty who had allegedly taken her to one sir, she relied on the statement of another victim boy dated 13.07.2015. She submitted that the victim boy had in the said statement disclosed the name of the applicant. According to the said victim boy, the applicant had given him chocolates and made him keep quiet; and that she had even given a peck on his cheek, face, forehead and on the chest. He has stated that the same was done by the applicant in the class room, in the presence of all the students.

6. Perused the papers, including the statements of victim girl and boy and the statements of parents. It appears that the name

of the applicant has been mentioned by the victim girl in the FIR as being her teacher and not the aunty who took her to the sir. It appears that on 09.07.2015 when the entire staff of the school was called, the victim girl has not made any allegations against the applicant. In fact, when the victim girl was asked whether it was the applicant who had taken her, she replied in the negative. It thus appears, that it was not the applicant who had taken the victim girl out of the class room to the sir, who allegedly touched her inappropriately. As far as the statement of the victim boy is concerned, the alleged peck given by the applicant cannot necessarily be construed as inappropriate, as sought to be suggested by the learned APP, more particularly when it was done in the presence of the entire class.

7. Considering the nature of allegations and the material on record, the applicant is granted pre-arrest bail on the following terms & conditions:

**ORDER**

(i) In the event of arrest, the applicant be enlarged on bail on furnishing P.R.Bond in the sum of Rs.15,000/- each with one or two solvent sureties in the like amount;

(ii) The applicant shall not tamper or attempt to contact the complainant or any witness concerned with the said case;

(iii) The applicant shall attend the Tulinj Police Station, Nalasopara, District-Palghar on every Saturday between 10.00 a.m. to 01.00 p.m. till the filing of the charge sheet or for a period of four weeks, whichever is earlier.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear, that the observations made herein are confined to these applications and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

Parties to act on the authenticated copy of this order.

**(REVATI MOHITE DERE, J.)**

**CERTIFICATE**

Certified to be true and correct copy  
of the original signed Judgment/order.