

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

CRIMINAL APPLICATION NO.421 OF 2016

Jaysing Santram Khedkar,
Age 47 years, Occu. Service,
New Kawsan, Taluka Paithan,
District Aurangabad

..Applicant

Versus

The State of Maharashtra
at the instance of Paithan
Police Station, Aurangabad

..Respondent

Mr A.K. Bhosale, Advocate for applicant
Mr M.B. Bharaswadkar, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 28th January 2016

PER COURT

Heard.

2. The applicant, who is a teacher by profession is seeking pre-arrest bail in Crime No.10 of 2016 registered on 8th January 2016 at Paithan Police Station, District Aurangabad, for the offences punishable under Section 354-A of the Indian Penal Code and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, for the alleged incident dated 1st January 2016 to 7th January 2016.

3. The prosecution case is, the applicant, a teacher has committed the crime in question by touching the body of student namely Renuka.

4. Learned Counsel for the applicant would urge that perusal of contents of the F.I.R. depicts improbable story, as according to him, it

is claimed in the F.I.R. that the incident is repeated for almost eight days, whereas there was no report or complaint against the applicant with the Management or Headmistress or otherwise. He would then urge that the complainant has set up a history in view of the school politics.

5. Learned Counsel for the applicant would then urge that the applicant, being a public servant has every respect for law and there is hardly any likelihood that he will run away from the Court process. Learned Counsel to substantiate his contention, has relied upon the judgment of Apex Court, in the matter of **Siddharam Satlingappa Mhatre Vs. State of Maharashtra, reported in 2011 (1) SCC 694.**

6. Learned A.P.P. opposed the applicant on the ground that the offence is serious in nature and provisions of the Protection of Children from Sexual Offences Act are invoked against the present applicant.

7. With the assistance of learned A.P.P. I have scanned the entire investigation papers. Investigation papers do not support the story of complainant. The statements of the students from the class of victim have not narrated any such incident, as is alleged in the complaint. Apart from above, there is hardly any material on record to connect the applicant to the crime in question.

8. It is also required to be noted that it is claimed in the complaint that the incident was repeated for more than seven days before lodging F.I.R., however, the incident was never brought to the notice of Management and Headmistress or otherwise by the victim Renuka.

9. Since the applicant is a public servant, there is hardly any likelihood that he will run away from the Court process. In this background, in my opinion, custodial interrogation of the applicant is not necessary. As such, the applicant is entitled to be released on bail.

10. In the event of arrest in Crime No.10 of 2016 registered on 8th January 2016 at Paithan Police Station, District Aurangabad, for the offences punishable under Section 354-A of the Indian Penal Code and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, the applicant be released on bail, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

11. The applicant shall attend the concerned Police Station on 12th, 13th and 14th February 2016 between 10.00 a.m. and 12.00 noon and thereafter as and when called.

12. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)