

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1913 OF 2016

Raju S/o Arun Salve,
Age : 30 years, Occu. : Service,
R/o. Belvandi Bk, Tal. Shrigonda,
Dist. Ahmednagar .. Applicant

Versus

The State of Maharashtra,
Through Police Station Officer,
Shrigonda Police Station,
District : Ahmednagar .. Respondent

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Mr. Nitten V. Gaware, Advocate for the applicant
Mr. A.S. Shinde, APP for the respondent-State

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CORAM : M.T. JOSHI, J.
DATED : 15/04/2016

ORAL ORDER :

Heard both sides.

2. The present applicant, who was arrested by Shrigonda Police Station, Dist. Ahmednagar in Crime no.I-328 of 2015 for the offences punishable under section 354, 354(A), 376(2)(F)(N) of the Indian Penal Code and under section 5(M)(L) and 6 of the Protection of Children from Sexual Offences Act, is praying for his release on bail.

3. Learned counsel for the applicant files on record copy of the chargesheet. The same is accepted and marked as "X" for the purpose of identification.

4. The prosecution allegations in nutsheel are that the present applicant being a Class Teacher of the 9 years old victim girl, had on 30/11/2015, called the said victim in the office and after shutting the door, had kissed her and, thereafter, inserted a finger in her private part. The said victim, at about 5.00 pm told about the said fact, as she started weeping. She also complained that before Diwali vacation, the present applicant has indulged into similar activities on 3-4 times. In the circumstances, on 01/12/2015, the complaint came to be filed by her aunt i.e. her local guardian.

5. Mr. Gaware, learned counsel for the applicant submits that the present applicant is arrested on 02/12/2015. He is suspended from the job and is transferred to another place i.e. Akole, Tq. Akole,

Dist. Ahmednagar. The chargesheet is filed, investigation is complete. He submits that he is falsely involved in the offence, as the local politician, who is related to the victim, wanted that the transfer of the earlier teacher be cancelled and the present applicant be transferred elsewhere. He further took me through the record and more particularly the statement of the victim recorded by the learned Judicial Magistrate First Class, which would show that according to the victim, the present applicant has kissed the victim and touched her private part. In the circumstances, he submits that as the trial would take its own time, the applicant be released on bail.

6. Learned A.P.P. opposed the application. He submits that there is a strong prima facie case against the present applicant that he has sexually assaulted a 9 years old his own student. In the circumstances, he submits that the applicant may not be released on bail.

7. Taking into consideration all the facts on record as argued by both sides and finding that the present applicant is very well away from the village of occurrence, and that the trial would take its own time, in my view, the present applicant can very well be released on bail on certain conditions.

8. Hence, the following order:-

I) The Application is allowed.

II) The applicant be released on bail in Crime no.I-328 of 2015 registered with Shrigonda Police Station, Dist. Ahmednagar for the offences punishable under section 354, 354(A), 376(2)(F)(N) of the Indian Penal Code and under section 5(M)(L) and 6 of the Protection of Children from Sexual Offences Act, upon his executing P.R. bond in the sum of Rs.15,000/- (Rs. Fifteen Thousand) and also upon furnishing surety in the like amount.

III) The applicant shall not enter the territorial

limits of village Mundhekarwadi as well as Lipangaon, Tq. Shringond, Dist. Ahmednagar, till the trial is concluded without the prior permission from the concerned Sessions Court.

IV) The applicant shall not in any way attempt to influence the prosecution witnesses in any manner.

9. Application stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

arp/-