

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

20 CRIMINAL APPLICATION NO. 4981 OF 2016

BALAJI S/O DASHRATH MUNDHE

VERSUS

**THE STATE OF MAHARASHTRA
& ANR.**

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Mr. G.P.Darandale, Advocate for Applicant.

Mr. S.M.Ganachari, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 26th SEPTEMBER, 2016

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PER COURT :

1. The applicant/accused in Crime No. 143/2016 registered at Sonpeth police station, Dist. Parbhani for the offences punishable U/ss 9 (k) (f) (m) and 10 of the Protection of Children from Sexual Offences Act, 2012, by this application is seeking his release on bail.

2. Heard the learned counsel for the applicant. He argued that the applicant is behind bars for a long time and necessary investigation is over. The learned counsel further

argued that the applicant may be released on bail by imposing necessary conditions, which he shall scrupulously adhere. The learned counsel further argued that the applicant was Head Master of the school and his detention with criminals, after completion of necessary investigation, is not warranted.

3. The learned A.P.P. opposed the application by arguing that several female children have stated that the applicant had committed aggravated sexual assault on them. The learned A.P.P. argued that one of the minor female child had left the school because of the aggravated sexual assault by the applicant and statements of witnesses u/s 164 of the Code of Criminal Procedure are yet to be recorded. Therefore, the applicant is not entitled for bail at this stage.

4. Perused papers of investigation. The crime in question is registered on the basis of report lodged by mother of one of the minor female child. According to the prosecution case, the applicant who was Head Master of the school, used to commit aggravated sexual assault on several minor female children in the school. On the basis of the F.I.R., the crime in question was registered on 10/08/2016 and accordingly the applicant was arrested. Perusal of the papers of investigation do show that statements of all female children, who are victim of the crime in question are recorded.

5. It is not disputed that the applicant was arrested immediately after registration of the crime i.e. 10/08/2016. This fact is also reflected from the papers of investigation. It

is not in dispute that the applicant has already been suspended from the services. Even that is the consequence of the arrest and lodging behind bars for more than 48 hours. It is thus clear that the applicant can not now approach the school and have an influence over either the employees of the school or students of the school.

6. It appears that, as stated by the learned A.P.P., except recording the statements of witnesses u/s 164 of Code of Criminal Procedure, other part of the investigation is already over. Considering the fact that the applicant is under M.C.R. and necessary investigation is already over, his further pre-trial detention is not warranted. His liberty can be awarded to him by imposing necessary conditions. Hence, the following order.

(i) The application is allowed.

(ii) The applicant Balaji s/o Dashrath Mundhe in Crime No. 143/2016 registered at Sonpeth police station, Dist. Parbhani for the offences punishable U/ss 9 (k) (f) (m) and 10 of the Protection of Children from Sexual Offences Act, 2012, be released on bail on executing P.R. Bond of Rs. 25,000/- [Rupees Twenty Five Thousand] and on furnishing surety in the like amount.

(iii) As a condition of this Order, the applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade

them from disclosing the same either to the police or the Court.

(iv) The applicant shall not tamper the evidence of the prosecution.

(v) The applicant shall not enter within the territorial jurisdiction of police station, Sonpeth till conclusion of the trial, if any, against the applicant.

(vi) The applicant shall not contact directly or indirectly contact the minor female victims or their parents as well as witnesses.

[A.M.BADAR, J.]