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

CRIMINAL APPLICATION NO.6766 OF 2015

Rahul s/o Gautam Kamble (Kundalwadikar) ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr M.V. Ghatge, Advocate for applicant;
Mr S.Y. Mahajan, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 5th January, 2016

ORDER :

By the present application under section 439 of the Code of Criminal Procedure, the applicant – a Teacher by profession, is seeking bail, in connection with C.R. No.43 of 2015, registered with Manatha police station, Tq. Hadgaon, Dist. Nanded (now registered as Special (POCSO) Case No.38 of 2015, pending before Sessions Court, Nanded), for offence punishable under section 354 of the Indian Penal Code and sections 8, 11 (1) and 12 of Protection of Children from Sexual Offences Act, 2012.

2. Perused the allegations made against the applicant in the first information report. Based on the same, Mr Ghatge, learned Counsel appearing on behalf of the applicant would urge that as the investigation in the matter is complete, further custodial detention of the applicant is not necessary. According to him, looking to the nature of allegations, the

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offence as is styled, cannot be termed as serious one and as such, the applicant is entitled to be released on bail.

3. Learned Addl. Public Prosecutor has opposed the application on the ground that there is sufficient evidence available against the applicant.

4. Having perused the investigation papers, i.e. charge-sheet filed on record, *prima facie* I am of the opinion that further detention of the applicant is no more necessary as the charge-sheet is already filed.

5. Looking to the nature of allegations in the first information report and seriousness of the role attributed to the present applicant, in my opinion it will be appropriate to enlarge the applicant on bail. I, therefore, pass following order :-

The applicant be released on bail, in connection with C.R. No.43 of 2015, registered with Manatha police station, Tq. Hadgaon, Dist. Nanded (now registered as Special (POCSO) Case Mo.38 of 2015, pending before Sessions Court, Nanded), for offence punishable under section 354 of the Indian Penal Code and sections 8, 11 (1) and 12 of Protection of Children from Sexual Offences Act, 2012, on furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount.

Until further orders, the applicant shall not enter the premises of Zilla Parishad Primary School at Rodgi, Taluka Hadgaon, District Nanded.

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Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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