

CRIMINAL APPLICATION NO. 2186 OF 2017

VERSUS

The State of Maharashtra ... Respondent

.....
Mr. P.M.More, advocate h/f
Mr. A.B.Gaikwad, advocate for the applicant
Mr. A.A.Jagatkar, A.P.P for respondent

CORAM : K.L.WADANE, J.
DATED : 12th JUNE, 2017

ORDER :

Heard learned counsel appearing for the
applicant and the learned A.P.P. for the State.

2. The present application is filed by the applicant under the provisions of section 438 of the Criminal Procedure Code in connection with Crime No. 45/2017 registered with Ambad police station, District Jalna for the offences punishable under Sections 376(2)(i), 323, 506 of Indian Penal Code r/w Section 4 & 6 of the Protection of Children from Sexual Offences Act

2011.

3. Mr. More, learned counsel appearing for the applicant submits that the present applicant is the class teacher in which the prosecutrix was studying. Allegations of rape are against another student by name Abhishek Khandagle and there are no allegations against the present applicant. The allegation against the present applicant is that the present applicant has manipulated the attendance roll of the student in order to show that prosecutrix was absent from the school. He further submitted that the relevant record i.e the attendance roll has been seized by the investigating officer on 14.4.2017. Learned counsel for the applicant further submits that the custodial interrogation of the present applicant is not required. The applicant is ready to cooperate in the investigation. Considering the fact that there are no allegations against the applicant about rape and the fact that the concerned record is already seized by the investigating officer and the applicant is a

teacher serving in a school, the applicant is entitled for protection from his arrest.

4. Hence, Criminal Application is allowed.

(i) In the event of his arrest, the applicant shall be released on bail on his executing P.R. bond of Rs. 25,000/- with one solvent surety in the like amount.

(ii) The applicant shall cooperate in the investigation.

(iii) The applicant shall attend the concerned police station, as and when called by the investigating officer.

5. Criminal application is disposed of.

(K.L.WADANE, J.)

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