

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.178 OF 2017

Sagar Kundlik Mohite

... Applicant

Vs.

The State of Maharashtra

.. Respondent

Mr.A.S. Patil for the Applicant

Mrs.N.S. Jain, APP, for Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: JANUARY 23, 2017

P.C. :

1. This is an application for Bail under section 439 of the Code of Criminal Procedure as the applicant is prosecuted for offences punishable under sections 354A r/w 506 of the Indian Penal Code and under sections 7 and 8 of Protection of Children from Sexual Offences Act, 2012. The applicant-accused was a teacher in a school where the victim was studying in 5th standard. On 13.10.2016, the applicant/accused was conducting oral examination of the students of 5th standard. The teacher i.e., the applicant/accused was sitting in one class and the student was called in the room. When the victim was called in the room, the

applicant/accused pat her back and on her hand and he asked her to give him a kiss and to take out a selfie with him. He took a selfie with her. Thereafter, the victim was frightened and she suffered stomach ache. At that time, the applicant/accused threatened her that he would finish her if she would tell about this incident to any person. Thereafter, the applicant/accused called her father himself and informed that the victim had stomach ache and, therefore, he called him. When the father reached the school and went to the office of the headmistress, she questioned the applicant/accused as to why he had contacted the parents of the students directly without communicating about the same to the headmistress. However, the applicant-accused informed that the girl was not well and his blood pressure went down and he was scared and so he phoned directly. Thereafter, when the mother asked the child in the evening, she informed her about the incident. The mother went to the headmistress and communicated this incident to the headmistress and thereafter the relatives of the child and mother went to the Secretary of the school, Government officer and the headmistress and then her mother approached the police and on the next day, i.e., 14.10.2016. Pursuant to the information, the offence was registered at C.R. No.153 of 2016 at

Shahuwadi police station under sections 354A and 506 of the Indian Penal Code and also under sections 4, 5(f) and (p) of the Protection of Children from Sexual Offences Act and on the same day, the applicant/accused was taken into custody.

2. The learned Counsel for the applicant/accused submitted that the applicant/accused is inside from 14.10.2016 and he has not committed any offence and he does not have any criminal record. The learned Counsel submitted that he will not jump the bail and will attend all the court dates. He also submitted that the chargesheet is already filed on 30.12.2016.

3. Learned Prosecutor has opposed the application. She submitted that it is a serious offence and the police have recovered mobile handset and also took printout of the photograph of the girl and the teacher, which was taken as a selfie from the cellphone of the applicant-accused. She submitted that it is an offence under section 5(p) and, therefore, the applicant/accused should not be released.

4. This offence cannot be justified in any manner as the applicant/accused is a teacher, who is in a position of trust and

authority. has asked sexual favour from the child when she was giving her examination. Chargesheet is filed and the mobile handset with the picture is recovered from the applicant/accused. At this stage, I am not inclined to grant bail. Hence, the application is rejected with the following order:

- i) Bail Application is rejected.
- ii) The concerned Special Judge dealing with the case is directed to expedite the matter and conclude it preferably on or before 30.4.2017 and if the matter is not over by then, the applicant/accused may move a fresh application for bail.

5. Bail Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)