

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.1130 OF 2017

Jayant s/o Shrikrushna Wawage, Naya Press, Akot, Dist. Akola

-vs-

State of Maharashtra, Thr. PSO, PS Akot City, Dist. Akola

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Anil Mardikar, Senior Advocate for applicant.
Shri J. Y. Ghurde, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.

DATE : December 05, 2017

The applicant who has been arrested on 14/09/2017 in in connection with Crime No.332/2017 registered with Police Station Akot City, Dist. Akola for the offence punishable under Sections 354-A, 506 of the Indian Penal Code and Sections 8, 9(f), 10 of the Protection of Children from Sexual Offences Act, 2012 seeks his release on bail.

As per the First Information Report dated 14/09/2017 lodged by one Vandana Shinde it is stated that her daughter was studying in the school in which present applicant was teaching. Since about eight days prior to the report, it is stated that her daughter was not inclined to go to school. On making enquiry it was told that the applicant while conducting the classes used to harass her daughter and used to touch her body. On that basis the report came to be lodged.

It is submitted on behalf of the applicant that he has been falsely implicated in the crime. He has put in service of more

than ten years as a teacher. The statement that the daughter was not going to school since eight days prior to the report is falsified by the attendance register which shows that she was regularly attending the school. It is then submitted that statement of her friend was recorded and in that statement said friend has denied occurrence of any such incident. According to the learned Senior Counsel the charge-sheet has now been filed and by imposing appropriate conditions, the applicant can be released on bail.

The application is opposed by the learned Additional Public Prosecutor by relying upon the reply. It is submitted that statement of the informant's daughter clearly indicates the occurrence of the incident. If the applicant is released, there is likelihood of applicant threatening the victim as well as witnesses as the applicant is employed with the said school. Considering seriousness of the offence, it is submitted that the application deserves to be rejected.

Perused the First Information Report as well as documents filed along with the charge-sheet. As per the report, the informant's daughter used to remain absent since 8-10 days prior to lodging of the report. As per the attendance register for the month of August 2017 it can be seen that attendance of the said daughter is to the extent of 92.15%. In the month of September 2017 it is without any absence till 14/09/2017. The statement of a student Tanushree Dhole who has been named in the report indicates that she has stated that she was not aware of any such occurrence in the school

vis-a-vis the informant's daughter. These two aspects are found relevant while considering the present application. Though it is true that the informant's daughter has in her statement implicated the applicant, as the charge-sheet has now been filed, the applicant can be enlarged on bail subject to imposing appropriate conditions.

Accordingly the applicant Jayant s/o Shrikrushna Wawage, who has been arrested on 14/09/2017 in connection with Crime No.332/2017 registered with Police Station Akot City, Dist. Akola for the offence punishable under Sections 354-A, 506 of the Indian Penal Code and Sections 8, 9(f), 10 of the Protection of Children from Sexual Offences Act, 2012, is directed to be released on bail on furnishing PR Bond of Rs.30,000/- (Rupees Thirty Thousand) with one surety in the like amount.

After release, the applicant shall not enter the municipal limits of Akot till the completion of trial except for attending the Court proceedings. He shall co-operate in completion of the trial and shall not influence the prosecution witnesses.

The observations made in this order are only for deciding this application which is allowed and disposed of.

JUDGE