

904-ABA 1062 of 2018

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

ANTICIPATORY BAIL APPLICATION No. 1062 OF 2018

Mrs. Linaaz Sarosh Sunawala

...Applicant

Vs.

The State of Maharashtra

...Respondent

Ms. Sonal Parab i/b. Rajeev Sawant and Associates for Applicant

Mr. Prashant Jadhav- APP

Mr. Pravin D. Shinde, Hawaldar, Crime Branch, Pune City

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JUNE 5, 2018

P.C.

1. Heard. This is an application under section 438 of the Criminal Procedure Code. The Applicant herein is apprehending her arrest in Crime No. 187 of 2018 registered at Yerawada Police Station, Pune for the offences punishable under Section 419, 406, 311, 317, 323, 120B of the Indian Penal Code and section 23 and 75 of the Juvenile Justice Act.

2. It is the prosecution case that the Applicant happens to be a Child Psychologist, who is attached to Nanhi Centre at Pune. She also acts as an Adviser of C.P. Goyenka International School, Agakhan Palace, Nagar Road, Pune. It is the case of the prosecution that one Mrs. Aarti Merzi Sodawaterwalla lodged a report at the police station that her son zayne is 7

years' old and her daughter Sehara is about 2 years' old. They had taken admission for both the children in C.P. Goyenka International School. They had informed the authorities that their son is a special child and would need special care. The school authorities had assured them that the child would be given special care and they have special facilities for the same. They had paid the fees of Rs.1,18,250/- for both the children. Besides that, they had requested the authorities to include the son in summer camp. Accordingly, he was included and parents have paid a fees of Rs.25,000/- extra for summary camp. According to the First Informant, no special facilities were provided to the child and his mental condition started further derailing after he had attended the said school and, therefore, he was not willing to go to the school back. It is the allegation that the trustees were insisting upon the present Applicant to advise certain tests upon the child only to make sure that his mental state was not proper and that he would require shadow teacher.

3. The learned counsel for the Applicant submits that the trustees have been granted pre-arrest bail by this Court vide order dated 19th of April, 2018.

4. At this stage, the learned APP for the State submits the State of Maharashtra is taking steps to challenge the said order before the Apex Court.

5. The learned counsel for the Applicant submits that by virtue of doctrine

of parity as on today the Applicant deserves to be granted pre-arrest bail. These observations are prima facie in nature and only restricted to present application filed under section 438 of Cr.P.C. and shall not be taken into consideration for the purpose of quashing of FIR / discharge application and/or at the time of trial. Hence, the following order:

ORDER

- (i) The anticipatory bail application is allowed.
- (ii) In the event of arrest of the Applicant in Crime No. 187 of 2018 registered at Yerawada Police Station, Pune, he be enlarged on bail on his furnishing P.R. Bond in the sum of Rs.50,000/- and one or more sureties in the like amount.
- (iii) The Applicant shall not visit the premises of C.P. Goenka International at Yerawada Police Station, Pune till filing of the charge-sheet.

[SMT. SADHANA S. JADHAV, J.]