

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

ANTICIPATORY BAIL APPLICATION NO.2004 OF 2018

Chandrakant Nathusaheb Witkar

... Applicant

Vs

State of Maharashtra & Ors.

... Respondents

...

Mr. D.K.Pradhan for the Applicant.

Ms.P.P.Shinde APP for the Respondent-State.

Ms. Juli Bhogale with Ranjan Solanki I/by Murlidhar B. Kale for
R.No.2.

CORAM :SANDEEP K. SHINDE J.

DATE : 20 DECEMBER, 2018

P.C. :

This is an application for anticipatory bail. The applicant is apprehending arrest in Crime No.199 of 2018 registered Ghodegaon Police Station, District: Pune for the offence punishable under Section 354A(1)(i) and (iv), 500 and 506 of the Indian Penal Code, 1860 and Section 67 of the Information Technology Act, 2000.

2 Heard the learned counsel for the Applicant and the learned APP for the State. Also heard the learned counsel for the intervenor.

3 Vide order dated 28.9.2018, interim protection was granted to the applicant on certain terms and conditions. The applicant was thus directed to report to the concerned police station from 5.10.2018 for 5 days. It is submitted by the learned APP that the applicant had attended the police station.

4 It appears that the text and nature of message allegedly sent by the applicant to the victim amounts to sexual harassment within the meaning of Section 2(n)(iii) and (v) of the Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013. It is very unfortunate that the said incident had taken place at the hands of the primary teacher and the victim is also teacher in the said school.

5 It is submitted that the applicant has been suspended by the management.

6 The learned counsel appearing for the Intervenor vehemently opposed the application and submitted that it was obscene message which has disturbed her family life and granting anticipatory bail would send wrong message to the society.

7 The learned counsel appearing for the Intervenor is right in her contention to say that text message would certainly disturb the family life of the victim but at the same time, it is to be seen whether custodial investigation of the applicant would further the case of the prosecution. It is informed across the bar that cell phone from which the message was sent, has been seized by the police.

8 In my view, looking into the facts and circumstances of the case and also a fact that the applicant has been suspended from the school, his custodial investigation would not further the case of the prosecution. In the circumstances, I am inclined to grant this application. Hence, the following order:

- (1) In the event of arrest of the Applicant in Crime No.199 of 2018 registered with Ghodegaon Police Station, District_Pune, the applicant be released on bail on executing PR bonds in the sum of Rs.15,000/- with one or two sureties in the like amount.
- (2) He is directed to attend the concerned police station once in fortnight from a week commencing from 24th December, 2018 until the charge-sheet is filed.
- (3) The applicant shall not in any manner tamper the prosecution evidence in any manner whatsoever and shall co-operate with the I.O. in all respects.
- (4) Application is disposed of .

(SANDEEP K. SHINDE, J.)