

COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2291 OF 2018

Ashok Sadashiv Waghmare	... Applicant
Versus	
The State of Maharashtra	... Respondent

Mr. Jaydeep D. Mane, Advocate for the Applicant
Mr. S. H. Yadav, APP for the State/Respondent.
Mr. Ram Gomare, PSI, Indapur Police Station, Pune Rural.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 11th July, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with CR No. 675/18 registered with Indapur Police Station under Sections 363 of the IPC. Subsequently Section 354D of IPC and Sections 8 and 12 of The Protection of Children from Sexual Offences Act, 2012 were added. The applicant is a retired head master of a school where the victim was studying. At the time of incident he had already retired. The FIR is lodged by uncle of the victim girl in respect of her missing from her house. She was missing from 7th September 2018. The

investigation was conducted. However, in the meantime the victim returned home. After she had returned, the police recorded her statement on 8th September 2018. Her supplementary statement was recorded on 9th September 2018 and her statement under Section 164 of the Cr. P. C. was also recorded on 10th September 2018. There is complete variance in the first statement of the victim and the subsequent two statements, in so far as the present applicant is concerned.

2. Her general story is that one Khedkar was a teacher in her school and he was making indecent gestures towards her. Whenever she was alone in the classroom, he used to contact her and used to have objectionable conversation with her. He used to force her to meet him. In her first statement, she has mentioned that Khedkar asked her to write two chits. On one of the chits, telephone number of the present applicant was written by the victim at his behest. It is her case that she had informed Khedkar that the whatsapp messages sent by him were read by her family and her family was very angry. She has further stated in her statements that because of all this pressure she left her house and went to Solapur. She had called the present applicant and told him that she had quarreled with her family and

therefore she had come to Solapur. After that she came back to Indapur where another teacher Katkar met her and thereafter her uncle came to the police station to take her back.

3. The first statement recorded on 8th September 2018 clearly blames only Khedkar. The only reference to the present applicant was that, she had gone to Solapur and she had called and met him. She had told him that she had quarreled with her family and therefore she had come to Solapur.

4. On the next day i.e. on 9th September 2018, her supplementary statement was recorded, where she had made improvement in her story in respect of the present applicant. According to her, when she went to Solapur, she went to the house of the present applicant. The applicant talked with her and thereafter took her to S.T. stand. They sat in the S.T. bus going towards Indapur. It is her case that in the S.T. bus, the present applicant physically misbehaved with her. The applicant got down at Shetphal and the victim went to Indapur. At that time, the applicant told her that Dayanand sir would come to take her home. Accordingly Dayanand Sir took her to his house. After that, the teacher Katkar went to take her back, he called another teacher Gawde, who in turn informed her uncle and took her with him to his

house. In her statement under Section 164 of the Cr. P.C. she has practically repeated the same story.

5. Heard Mr. Mane, learned counsel for the applicant and Mr. Yadav, learned APP for the State of Maharashtra.

6. Mr. Mane submitted that the applicant had not committed any offence and he is involved in the offence at the behest of the main accused Khedkar. He further submitted that the applicant is a retired head master of a school and had already retired at the time of incident.

7. As against this, Mr. Yadav referred to her statement recorded under Section 164 of the Cr. P. C. and submitted that at this stage there are sufficient allegations against the present applicant and therefore anticipatory bail should not be granted to him.

8. Facts of this case are strange. The victim has given altogether different versions in her three statements in respect of the present applicant. The only consistent part in her statement is in respect of allegations against Khedkar. Further, so far as the present applicant is concerned, she has told in her first statement that she had gone to Solapur on her own. Even at that stage of recording her first statement she was not under pressure because she had already returned to her

house by them.

9. Her other two statements do make a reference to the present applicant and to his physical misbehavior with her in the ST bus while they were going to Shetphal. However the fact remains that the applicant has taken steps so that the victim could return home safely. The applicant had informed other teacher to collect her from Indapur S.T. stand and had taken proper steps to see that the victim should return home safely. The applicant was aware under what circumstances the victim had come to Solapur. Therefore, it is rather difficult to believe that the applicant would misbehave with her in this fashion. The victim had also not given consistent statements. Therefore, if ultimately allegations against the present applicant are found to be false, by then, the applicant would have suffered irreparable loss in his old age after his blemishless carrier as head master of a school.

10. In this view of the matter, custodial interrogation of the applicant is not necessary. The applicant can be directed to attend the police station and can be directed to co-operate with the investigation.

Hence, the order:-

ORDER

- (i) In the event of his arrest in connection with C.R. No. 675/18 registered with Indapur Police Station, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station from 22nd July 2019 to 24th July 2019 between 03.00 to 05.00 p.m. and shall co-operate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)