

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.558 OF 2022

VARSHA W/O NARENDRA DEORE ..APPLICANT

VERSUS

THE STATE OF MAHARASHTRA AND ORS. ..RESPONDENTS

**WITH
ANTICIPATORY BAIL APPLICATION NO.559 OF 2022**

NARENDRA S/O ATMARAM DEORE ..APPLICANT

VERSUS

THE STATE OF MAHARASHTRA AND ORS. ..RESPONDENTS

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Mr. Abhay Ostwal a/w Mr. Mohit L. Deoda, Advocate
for the Applicants.

Ms. V. S. Choudhari, APP for Respondents-State.

Mr. M. B. Sandanshiv, Advocate for Respondent No.2.

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CORAM : S. G. MEHARE, J.

DATED : 24th AUGUST, 2022.

PER COURT:-

1. The applicants are the husband and wife. The applicant Varsha is the headmistress, and her husband, Narendra, is the assistant teacher in the same school. The complainant is a Clerk who has grievances against the headmistress and school management.

2. The arguments advanced by the complainant revealed that he has a grievance against the headmistress that she did not allow him to enter the school. An emotional argument has been advanced for his behalf that since he was not allowed to

enter the school, he lodged the report of the incident against one Assistant Teacher and supplied the information to the headmistress and the applicant Narendra. However, they did not take action against the Assistant Teacher, who was behaving indecently with a minor girl child. He has also tried to point out before the Court that there are various crimes to discredit the applicants and absconding from the school.

3. The complainant is a Clerk. He had grievances against the management and headmistress. He had the remedy to approach the appropriate Court, but instead of approaching the appropriate Court, he took the option to lodge the reports against the applicants one after another. No one is ready to think about the effect of their acts on the mind and life of the victim, and they are encashing the incident that happened with an innocent girl child. It seems that the complainant is pursuing the case not in the interest of the victim but for his benefit. He prayed that anyhow the applicants should not be released on bail.

4. The learned counsel for the applicants would submit that no incident as such happened. The complainant has a grievance against them. He was most adamant. Therefore, he was trying to defame the school and bring the applicants into the problem. The applicant Varsha, the headmistress, was first to protect the interest of the girl child. Therefore, she was making a discrete inquiry, but suddenly, the complainant lodged the

report against her and her husband. The management has no role to play. Nothing is discovered against the applicants. The applicants have co-operated with the investigating officer. The complainant is lodging the reports against them one after another, and he is in collusion with the management. Therefore, anticipatory bail may be granted to them.

5. The learned APP has fairly conceded that in pursuance to the notice of this Court, the investigating officer made an investigation in detail. His report dated 24.08.2022 reveals that after recording the statements of witnesses, nothing transpired against the applicants that the applicants have tried to protect the co-accused. Therefore, he has proposed to file 'C' Summary against the applicants and has taken action to that effect.

6. The offence, as alleged, was apparently serious. The life of a girl was at stake. In such a serious crime, an appropriate investigation has been done by the investigating officer, and he has come to the conclusion that there is nothing against the applicants. Therefore, he has proposed to file 'C' Summary against the applicants. Considering the entire episode of the facts and the nature of the dispute between the management, a Clerk, and the present applicants, it appears that a different colour has been given to the case of a victim, and they are fighting for their own

benefits at the cost of the life of victim girl. Be that as it may, nothing transpired against the applicants. Hence, they deserve anticipatory bail. Hence the following order:

ORDER

- a. The applications are allowed.
- b. The interim protection granted to the applicants by order dated 06.05.2022 is confirmed on the same terms and conditions of the bail. The condition to attend the police station every Monday and Thursday stands released.

(S. G. MEHARE)
JUDGE