

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

BAIL APPLICATION NO. 923 OF 2022

Shahed Khan Kasam Khan Pathan

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

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Mr. R.S. Deshmukh, Senior Advocate a/w Mr. S.A. Jadhav, Advocate i/b Mr. T.Y. Sayyed, Advocate for applicant

Mr. V.S. Badakh, A.P.P. for respondent no.1 – State

Mr. S.D. Munde, Advocate for respondent no.2 (appointed)

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CORAM : R.G. AVACHAT, J.

DATE : 17th AUGUST, 2022

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 135 of 2022 registered with Shivaji Nagar Police Station, Dist. Beed for the offences punishable under Sections 354 and 354-A of the Indian Penal Code ('I.P.C.') and under Sections 8 and 10 of Protection of Children from Sexual Offences Act, 2012 ('POCSO').

2. Heard. Perused the First Information Report ("F.I.R.") and related police papers.

3. The F.I.R. has been lodged by father of the victim on 09th April, 2022. It is alleged in the F.I.R. that the applicant was serving as a teacher with Gurukul English School, Beed. Daughter of the informant is studying in 4th standard in the very school. She is ten years of age. The incident took place by 11.20 a.m. on 08th April, 2022, while the applicant was teaching the students of 4th standard including the daughter of the informant. He went close to the victim and touched her breast inappropriately. On her return home from school, she was found nervous. Her mother, therefore, took her into confidence. Thereupon, she disclosed the manner in which the applicant behaved with her.

4. Learned counsel for the applicant would submit that on investigation, charge-sheet has been filed. The F.I.R. has been lodged one day after the alleged incident. The informant with his friends and relations had beaten up the applicant when he had been to the school on 09th April, 2022. He was admitted to Civil Hospital, Beed. His relations shifted him to the hospital at Ahmednagar. Based on his report, a crime for the offence punishable under Section 307 and allied offences of the I.P.C. has been registered against the informant herein and others as well.

5. Learned counsel for the victim and learned A.P.P. would, on the other hand, submit that the applicant is father like figure for the victim. He

was her teacher. The victim was just ten years of age. It is an offence under POCSO as well. The punishment provided for the offence is seven years of imprisonment. Both of them, therefore, urged for rejection of the application.

6. Considered the submissions advanced. The applicant, being a teacher, is alleged to have inappropriately touched the breast of the student while conducting class of 4th standard on 08th April, 2022. The F.I.R. was lodged by father of the victim on following day. On completion of investigation, charge-sheet has been filed. There are papers on record to indicate the applicant to have been thrashed. He was an indoor patient. It is also informed that initially he was suspended from service and has now been terminated.

7. Considering the nature of offence and the fact that on investigation charge-sheet has been filed, it will take time for commencement and conclusion of the trial. In view of the same, the application deserves to be allowed. Hence I pass the following order :-

ORDER

(I) The bail application is allowed.

(II) The applicant be released, in connection with Crime No. 135 of 2022 registered with Shivaji Nagar Police Station, Dist.

Beed for the offences punishable under Sections 354 and 354-A of the Indian Penal Code and under Sections 8 and 10 of Protection of Children from Sexual Offences Act, 2012, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(III) The applicant shall not enter Beed city for next eight months, except for attending the Court matter.

(IV) The applicant shall not tamper with the prosecution evidence.

(V) Fees of Mr. S.D. Munde, learned counsel is quantified to Rs.7,000/-.

(R.G. AVACHAT, J.)

SSD