

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

CRIMINAL APPEAL NO.892 OF 2022

Urmila Atul Paralikar Appellant

versus

State of Maharashtra & Anr. Respondents

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- Mr. Surel Shah i/b. Swaroop M. Karade, Advocate for Appellant.
- Mr. S. R. Agarkar, APP for the State/Respondent No.1.

CORAM : SARANG V. KOTWAL, J.
DATE : 07th DECEMBER, 2022

P.C. :

1. The Appellant has challenged the order dated 07/09/2022 passed by the Additional Sessions Judge, Greater Mumbai, in Criminal Anticipatory Bail Application No.1857 of 2022. The Appellant is seeking anticipatory bail in connection with C.R.No.748/2022 registered with Azad Maidan police station dated 17/08/2022 u/s 509 of the Indian Penal Code and u/s 3 (1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'Atrocities Act').

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2. The Respondent No.2 in this case is duly served as per the noting of the office. Therefore I have heard parties. The FIR is lodged by the Respondent No.2. She has stated that she is belonging to a scheduled caste. She was in B.Ed. college at Fort. The Appellant was the principal of the college. It is alleged that, on 24/06/2022, when the Respondent No.2 was giving some demonstration of Geometry, the Appellant allegedly insulted her. It is mentioned in the FIR that this was done in presence of others and therefore the offence was committed. The FIR mentions that on another occasion on 04/08/2022 the Respondent No.2 and others had approached the Appellant for making changes in the uniform, but allegedly at that time she made some indecent remarks. On this basis, the FIR is lodged.
3. Heard Mr. Surel Shah, learned counsel for the Appellant and Mr. S. R. Agarkar, learned APP for the State.
4. Learned counsel for the Appellant submitted that the Appellant is falsely implicated. She was doing her work sincerely

and she was a strict disciplinarian. Now she is transferred to Ambejogai. So there is no occasion for further friction between the Respondent No.2's group and the Appellant. He submitted that in any case the offence is not made out. There was no utterance with reference to the caste of the Respondent No.2.

5. Learned APP opposed this application. There are witnesses to the incident mentioned in the FIR. However, he fairly pointed out statement of one Anuja Waghmare where she has described the incident in which the Appellant had allegedly passed insulted the Respondent No.2. However, this witness Anuja Waghmare has not referred to any indecent or humiliating utterances with reference to her caste. The utterances were for the Respondent No.2 to change tone of her language. This witness has further stated that the Appellant had said that she was worried about the future of the students and that she was not satisfied with the way in which the Respondent No.2 was teaching. Learned APP also submitted that the investigation is over and the charge-sheet is filed.

6. I have considered these submissions. The utterance referred to by the witness Anuja Waghmare may show the Appellant's concern for the students. It is open for interpretation and it may not be insulting. However, no conclusive opinion can be expressed at this stage, but prima facie there is scope to believe that it was not said with an intention to insult the Respondent No.2. As of today the Appellant is transferred to Ambejogai. The investigation is over and the charge-sheet is already filed. Considering all this, the Appellant has made out a case for relief of anticipatory bail.

7. Hence, the following order :

ORDER

(i) The Appeal is allowed.

(ii) In the event of her arrest in connection with C.R.No.748/2022 registered with Azad Maidan police station, the Appellant is directed to be

released on bail on her furnishing PR. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only), with one or two sureties in the like amount.

(iii) Appeal stands disposed of accordingly.

(SARANG V. KOTWAL, J.)