

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.80 OF 2022

Dilip S/o Rangrao Nitnaware

Versus

State of Maharashtra, through P.S.O., P.S. Paratwada, Tq. Achalpur, Dist. Amravati

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri D.S. Khushalani, Advocate for the applicant.

Shri M.J. Khan, A.P.P. for the non-applicant No.1/State.

CORAM : ANIL S. KILOR, J.

DATED : 04/03/2022

1. The applicant is seeking pre-arrest bail in Crime No.27 of 2022, dated 08.01.2022 registered with Police Station Paratwada, District Amravati Rural on a complaint of the Principal of the School against the applicant for the offence punishable under Section 354-D of the Indian Penal Code and Sections 8 and 12 of the POCSO, Act.

2. It is alleged in the complaint that the applicant is working as Assistant Teacher in Holy Cross Marathi Primary School, Paratwada. There were Christmas celebrations in the school and various stage performances were to be performed by the students of the school. When the girl students were preparing to perform on the stage and they were changing their

clothes in the room annexed to the stage, the applicant peeped inside the room and watched the girls changing clothes. This incident was noticed by the girl students and later on, the girl students made complaint to the parents who then raised voice and made a complaint to the Principal of the school. Thereupon, the complaint was lodged. There are other allegations also made by the girls students against the applicant, which are serious in nature.

3. The learned counsel for the applicant submits that as the applicant made numerous complaints against the management pointing out irregularity in the school, the alleged crime came to be lodged to falsely implicated the applicant in the alleged offence. It is submitted that the applicant is serving in the said school since last 29 years and there is not a single complaint, in the entire career of the applicant.

4. The learned counsel for the applicant further states that the learned trial Court had granted *ad-interim* protection to the applicant and it was continued till the rejection of his application for anticipatory bail. He therefore, submits that as the custody of the applicant in the alleged offence is not necessary, he may be released on bail in the event of his arrest in the alleged crime.

5. On the other hand, Shri Khan, learned APP strongly opposes the application and submits that during the period when the applicant was granted *ad-interim* bail by the trial Court he attended police station and during his attendance his behavior was absolutely arrogant and he openly challenged the police staff in the Police Station stating that no one can harm him in any manner and to do whatever they could. It is further pointed out that during the period when he was on *ad-interim* pre-arrest bail, he had posted DCR copy of the Police Station, Paratwada on WhatsApp group of staff and also put a query about future of the girls complainant.

6. Learned APP submits that it is the matter of investigation how he has obtained DCR. It is further submitted that the query put on the WhatsApp group by the applicant, is nothing but to create pressure on the girl students, who are the complainants. He therefore submits that if the applicant is granted pre-arrest bail, he will pressurize the prosecution witnesses and also the complainants. Accordingly, he prays for rejection of this application.

7. The guardians of the minor girl students who made the complaint to the Principal, are made party to this application as respondent Nos.2 to 5. It is informed

by the learned APP that through police intimation was given to the respondent Nos.2 and 5, nobody is appearing on behalf of respondent Nos.2 to 5.

8. In the above said backdrop, I have perused the Case Diary. *Prima facie* there is sufficient material to show that the applicant has sent some WhatsApp messages along with DCR copy of the Police Station. The said conduct of the applicant gives rise to the apprehension as expressed by the learned APP that if the pre-arrest bail is granted, there is possibility that he may pressurize the prosecution witnesses and also the complainants and may tamper with the record.

9. In the above referred circumstances and looking to the serious allegations made in the FIR, I am not inclined to grant bail to the applicant. Hence, the application is **rejected**.

[ANIL S. KILOR, J.]

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