

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

CRIMINAL APPLICATION (BA) NO. 575 OF 2022

Bhaurao Yadavrao Tumde **Versus** State of Maharashtra, thr. its PSO, PS Ballarshaha, Tq. Ballarshaha, District Chandrapur and another.

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

Court's or Judge's Order

Shri S.P. Bhandarkar, counsel for the applicant.

Shri T.A.Mirza, APP for the non-applicant No.1/State.

Ms Sonali Saware, counsel for the non-applicant No.2 (appointed)

CORAM : ANIL S. KILOR, J.

DATED : 10/08/2022

1. The applicant is seeking bail in connection with Crime No. 1122/2021, dated 04/10/2021, registered with Police Station Officer, Ballarsha, District Chandrapur, for the offences punishable under Sections 376AB, 376(2) (f) of the Indian Penal Code, 1860 and Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act (here-in-after referred to as "POCSO Act").

2. Learned counsel for the applicant submits that, considering his social work and the appreciation he has received as a Teacher, the allegations made in the FIR is improbable and therefore, this is a case for false implication.

3. Learned counsel for the applicant further submits that, in this case, the applicant is in jail from last

one year and as the investigation is completed and the charge-sheet has been filed, no further custody of the applicant is necessary. Accordingly, he prays for grant of bail.

4. On the other hand, Shri T.A. Mirza, learned APP strongly opposed the present application and submits that the victim, in this case, is not the only victim but there are about six more victims, who are minor girls and the statements recorded under Section 164 of the Code of Criminal Procedure, is sufficient to show the seriousness of the offence, as well as the involvement of the applicant. Accordingly, he prays for rejection of the present application.

5. Ms Sonali Saware, learned appointed counsel for the victim, reiterates the submission of the learned APP and she submits that considering the medical report at Page No. 97, it can be seen that, there is sufficient incriminating material against the applicant to connect him in the alleged offence. Thus, she submits that, this Court may not grant bail to the applicant.

6. In this case, though the charge-sheet has been filed and the applicant is in jail from last one year, however, considering the nature and seriousness of the offence and the fact that there are seven minor girls, who are the victims and who were the students of the applicant and further

considering the severity of the punishment which conviction will entail and further in view of the fact that, the medical report supports the case of the prosecution, I am not inclined to grant of bail to the present applicant. Accordingly, I pass the following order:

- a) The criminal application is **rejected**.
- b) Fees of the learned counsel for the Non-applicant No.2 is quantified as per Rules.

[ANIL S. KILOR, J.]