

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

CRIMINAL APPLICATION (BA) NO.913 OF 2022

Atul S/o Bhaskarrao Shinde .Vs. State of Maharashtra, through P.S.O., P.S. Gadge
Nagar, Dist. Amravati 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.N. Nandeshwar, Advocate for the applicant.

Shri S.D. Sirpurkar, A.P.P. for the non-applicant No.1/State.

CORAM : ANIL S. KILOR, J.

DATED : 22/09/2022

Heard.

2. The applicant is seeking bail in Crime No.384 of 2022, dated 02.04.2022, registered with Police Station Gadge Nagar, District: Amravati, for the offences punishable under Section 376(2)(j) of the Indian Penal Code, Sections 4, 8 and 12 of the Protection of Children from Sexual Offences Act (hereinafter referred to as "POCSO Act") and Sections 66(E)(C), 66(1)(2) and 67(A) (B) of the Information Technology Act (hereinafter referred to as "IT Act").

3. Shri Nandeshwar, learned counsel for the applicant submits that the applicant has been falsely implicated in the alleged offence, because of enmity with the Head Master of the school.

4. He further submits that no medical examination of the victim was conducted and there was no complaint of parents of the victim.

5. Shri Nandeshwar, lastly argues that the applicant is suffering from various ailments and he needs treatment from the private doctor. Accordingly, he prays for grant of bail.

6. On the other hand, Shri Sirpurkar, learned APP strongly opposes the present application and submits that, on verification of video recording from the mobile phone of the applicant, some obscene and objectionable videos were found relating to the victim and thereupon, the information was given to the parents of the victim. On inquiry, the victim narrated the story of sexual assault committed by the applicant who is a teacher. In the circumstances, he prays for rejection of the present application.

7. I have perused the Charge-sheet and the application.

8. The applicant is a teacher and victim his student. Because of a complaint of a lady teacher from the same school, the applicant was taken to the Police Station by the staff of the school and in the Police Station, the mobile phone was seized and on verification, it was revealed that

there are obscene videos in his mobile phone. In the said videos, the victim was also found with the applicant and thereupon, the Police reported the matter to the parents of the victim. Whereupon, the victim disclosed the sexual assault she suffered at the behest of the applicant.

9. Considering the character of evidence collected by the Investigating Officer during the investigation and the nature and seriousness of the offence with severity of punishment, I am not inclined to grant bail to the applicant.

10. As far as ailment of the applicant is concerned, it appears that the prison authorities are taking every care of the applicant and giving him necessary medical treatment. Thus, in the circumstances, I am not inclined to grant bail to the applicant. Accordingly, I pass the following order:

The criminal application is **rejected**.

11. Liberty is granted to the applicant to apply afresh, in case of change in circumstances.

JUDGE