

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.720 OF 2023

MADAN RANGNATH DIVE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Rahul R. Karpe, Mr. Sanjay B. Dushing
APP for Respondent No.1/State : Mr. S. B. Narwade
Advocate for Respondent No.2 : Mr. Rahul Tambe
(Appointed Through Legal Aid)

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CORAM : S. G. MEHARE, J.

DATE : 28-06-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for respondent No.1/State and the learned counsel for respondent No.2.
2. The applicant is seeking bail in C.R.No.1346 of 2022 registered with Rahuri Police Station, Taluka Rahuri, District Ahmednagar, for the offences punishable under Section 354A of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.
3. The learned counsel for the applicant would submit that there was discrepancy as regards the date of the incident. The maximum punishment for Section 354A of the Indian Penal Code is

imprisonment for three years as well as punishment for the offence punishable under Section 8 of the POCSO Act is for the term which shall not be less than three years but which may extend to five years and the punishment under Section 12 of the POCSO Act is for a term which may extend to three years and shall also be liable to fine. The applicant is languishing in jail for about 7 months. There is no danger or threat to the witnesses at his hands. Hence, he may be granted bail.

4. The learned A.P.P. for the respondent/State and the learned counsel for the victim have strongly opposed the application. They would argue that the applicant is a teacher in the school. He has molested many small girls who were studying in 4th standard. He committed sexual assault repeatedly with different girls. He had no moral. Though the punishment is lesser, the offence is serious and against the small girls. The consistent statements of number of girls have been recorded by the Investigating Officer. There is no discrepancy as regards the date of the incident. Hence, considering the gravity of the offence, the bail may be rejected.

5. Perused the papers.

6. The number of girls studying in 4th standard have consistently stated that the applicant molested them. The girls were actually apprehended. Therefore, they were not coming forward to state against the applicant. The small girls have no

reason to lie against the teacher. This is an offence against the children. The trial has been commenced. The victim would be under apprehension if the applicant would be released. The gravity of the offence is apparent. Therefore, merely lesser punishment is provided for the offence committed by the applicant may not be a ground for granting bail in such type of cases. Hence, the applicant does not deserve bail. In result, the bail application stands dismissed.

7. The Secretary, High Court Legal Services Sub-Committee, Aurangabad, do pay the fee to the learned counsel appointed for respondent No.2/victim as per the schedule.

(S. G. MEHARE)
JUDGE

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