

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**914 BAIL APPLICATION NO.1829 OF 2023**

RAJESH KAILAS SHINGARE  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. R.J. Nirmal a/w R. R. Kale  
APP for Respondent no.1 : Mr. S.P. Deshmukh  
Advocate for Respondent no.2 : Mr. A.S. Usmanpurkar  
(appointed Through Legal Aid)

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CORAM : S. G. CHAPALGAONKAR, J.  
Dated: November 08, 2023

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**PER COURT :-**

1. The applicant seeks regular bail in connection with Crime No.344 of 2023 registered with Pundalik Nagar police station, Aurangabad, District Aurangabad for the offences punishable under sections 354, 354-A, 506 of the Indian Penal Code and u/s 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Investigation has been set in motion on the basis of the information given by victim, aged about 15 years and 10 months. She was prosecuting her studies in Tenth standard and admitted herself in a private class namely "Excellence Academy". It is alleged that on 19.9.2023 she had been to class. The accused is a Teacher of Science. After end of his class, informant asked for notes of the subject. Accused called informant inside another classroom under the pretext of providing notes and outraged her modesty. He attempted to

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kiss her and also threatened her. She escaped herself and ran out of the room and narrated the incident to her friends. Thereafter, report has been lodged resulting into registration of offence. The applicant has been arrested on 20.9.2023. Since then he is behind bar.

3. Learned advocate appearing for the applicant would submit that he has been falsely implicated in the aforesaid crime on account of interse disputes of the coaching classes. His arrest was inconsistent with the directions given by the Supreme Court of India in the matter of Arnesh Kumar Vs. State of Bihar and reiterated by this Court in the matter of Chanda Deepak Kochhar Vs. Central Bureau of Investigation. He would submit that the Investigating officer, so also the learned Magistrate failed to observe the directions given by the Apex Court, no reasons are recorded before his arrest. He would submit that investigation is practically over. Further detention of the applicant would not be necessary and seeks release of the applicant on bail.

4. Learned A.P.P. as well as learned advocate appearing for the informant vehemently opposes the prayer. They would invite attention of this Court to statement of victim recorded under section 164 of the Cr.P.C. so also statements of her companions, which are consistent as regards narration in the FIR. They would therefore urge to reject prayer for grant of bail.

5. Having considered the submissions advanced and on perusal of the investigation papers, it can be observed that there are specific allegations against the applicant, which are incorporated in statement of victim recorded under section 164 Cr.P.C. so also supported by statement of two witnesses. It can be observed that investigation in the matter is practically over. Statement of relevant witnesses have been recorded. Offences alleged are triable by the Court of Magistrate. There are no criminal antecedents to discredit the applicant.

6. So far as second limb of arguments advanced on behalf of the applicant is concerned regarding procedural aspects to be followed at the time of arrest need not be considered at this stage. The applicant would be at liberty to raise those aspects in appropriate proceedings. However, taking into account overall survey of the material placed before this Court, further detention of the applicant need not be continued. The offences alleged are punishable up to five years. Applicant is behind bar for more than 7 weeks. Hence, case is made out for grant of bail. Hence, following order.

#### **ORDER**

- i. Bail Application is hereby allowed.
- ii. The applicant - RAJESH KAILAS SHINGARE be released on bail in connection with Crime No.344 of 2023 registered with Pundalik Nagar police station, Aurangabad, District Aurangabad for the offences punishable under sections 354, 354-A, 506 of the Indian Penal Code and u/s 8 and 12 of

the Protection of Children from Sexual Offences Act, 2012 on his furnishing P.B. & S.B. of Rs.50,000/- (Rs.Fifty Thousand), on the following conditions :-

- a] The applicant shall not tamper with the prosecution evidence.
  - b] The applicant shall attend the concerned police station once in a week i.e. on every **Friday** between 10 am to 2 pm till filing of the charge-sheet.
  - c] The applicant shall attend each and every effective date of hearing before the trial court.
  - d] Except for attending the police station and hearing of trial, the applicant shall not enter Municipal Corporation Area, Aurangabad till conclusion of the trial.
- iii. Bail application is accordingly disposed off.
- iv. Mr. Usmanpurkar, learned advocate is appointed through legal services authority. His remuneration be paid as per the rules.

( S.G. CHAPALGAONKAR )  
JUDGE.

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