

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3156 OF 2022

Mukesh Atmaram Koli

... Applicant

V/s.

State of Maharashtra and Anr.

... Respondents

.....

Mr. Ritesh Thobde, Advocate for Applicant.

Ms. P. N. Dabholkar, APP for Respondent-State.

Mr. Mainak Adhikary for Respondent No.2.

Mr. Navnath Bapu Mane, Police Constable, Natepute Police Station,
Solapur present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 6th SEPTEMBER 2023

P C:-

1. By the present Application, Applicant is seeking bail in C.R.No. 241 of 2022 registered with Natepute Police Station, District Solapur for the offence punishable under Sections 354, 354A, 506 of Indian Penal Code, 1860 (for short “IPC”) and under Section 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short “POCSO Act”).

2. It is the prosecution’s case that daughter of informant studies in Zilha Parishad School, Dharmapuri in 7th Standard. On

19.08.2022 her daughter had been to school and returned at 5:30 p.m. It is alleged that she was frightened hence informant inquired with her about the same, upon which she allegedly disclosed that, in between 2:30 p.m. to 3:45 p.m., there was examination of science subject of Setu Test. One Smt. Patil was the supervisor. She had been to the classroom of 6th Standard and at that time, Applicant came there. It is alleged that he had previously on the occasion of friendship day i.e. on 30.07.2022 had molested the victim. When she saw Applicant, she concealed herself under the bench. Applicant went to her and asked her as to why she was hiding and he will tell the answers and stood adjacent to her. She further disclosed that Applicant has molested her and another girl from her class. Further, at around 4 p.m. Applicant did not allow the girls to leave for washroom and this fact disclosed by one boy to the teacher Smt. Patil. Upon questioning Applicant, he left the school. It is alleged that thereafter Smt. Patil, other villagers along with headmaster came to the house of the first informant and told her about the incident. Accordingly, crime was registered.

3. It is the contention of learned Counsel for the Applicant that, there is delay in lodging the report which indicates the allegations being afterthought and concocted, some villagers have encroached

on the land of school and complaints about the same were made by the headmaster to the superiors and Applicant was instrumental in the same. Therefore villagers with the help of persons who were on the inimical terms have framed Applicant in false case to defame the Applicant.

4. Learned Counsel for the Applicant further submitted that Applicant is behind the bar more than one year. The investigation is completed and charge-sheet has been filed. Hence, requested to allow the Application.

5. Learned APP submitted that, Applicant is the teacher, it was not expected from Applicant to do such heinous act with the student. He had inappropriately touched the victim and her friend. If Applicant is released on bail, he may threaten the victim and prosecution witness. Hence, requested to reject the Application.

6. I have heard both the learned Counsel.

7. The allegations against Applicant that, initially on 30.07.2022 he had molested the victim. Thereafter, on 19.08.2022 again he tried to touch the victim inappropriately. Investigation in the present case is completed and charge-sheet has been filed. He is behind bar more than one year. Considering above facts his further detention not required.

8. In view of the above, I pass following Order:

- (i) Applicant be enlarged on bail in C.R.No. 241 of 2022 registered with Natepute Police Station, District Solapur on executing P.R.Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.
- (ii) Applicant shall attend the concerned Police Station once in a month i.e. on first Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- (iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

9. The Application is allowed in the aforesaid terms and is accordingly disposed off.

10. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)