

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 345 OF 2023

Shivaji Sadashiv Pansare ... Applicant

Versus

The State of Maharashtra and another ... Respondents

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Mr. Ashok Mundargi, Senior Advocate alongwith Mr. Rupesh Zade, Ms. Priyanka Gupta, Mr. Adesh Kale and Mr. Nitin Kadam for the Applicant.
Ms. Rutuja Ambekar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 3 MAY 2023

P.C. :-

. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 457 of 2022 registered at Walchandnagar Police Station, for the offences punishable under Sections 354, 354A of Indian Penal Code and sections 8, 10, 12, 21(1) of the Protection of Children from Sexual Offences Act, 2012.

3. The allegations against the present applicant who was working as Assistant Teacher in Shree Wardhaman Vidyalaya and Junior College, Walchandnagar, Taluka – Indapur, District - Pune are that he had touched the girl students inappropriately.

5. I have heard the learned Senior Counsel for the applicant and the learned APP for the State.

6. The learned Senior Counsel for the applicant submits that the applicant has rendered unblemished service as a teacher for more than 25 years. It is submitted that the parents of some of the victims have started in their statements that when they made inquiry with their daughter about the alleged crime, they disclosed to them that applicant had not touched them inappropriately. It is submitted that the applicant has even made the application for voluntary retirement, however, it came to be rejected on some technical ground.

7. On the other hand, the learned APP submits that considering the nature of offence, the applicant may not be released on bail.

8. I have perused the statements of the parents of some of the victims recorded under Section 161 of Cr.P.C. They are not consistent with the prosecution case. The applicant is in jail for more than 6 months. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail on certain conditions. Hence, the following order is passed :

(i) Application is allowed.

(ii) The applicant - Shivaji Sadashiv Pansare be released on bail in Crime No. 457 of 2022 registered at Walchandnagar Police Station, for the offences punishable under Sections 354, 354A of Indian Penal Code and sections 8, 10, 12, 21(1) of the Protection of Children from Sexual

Offences Act, 2012, on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(iii) The applicant shall not enter into the limits of Taluka Indapur till conclusion of trial.

(iv) The applicant shall not tamper with the prosecution evidence.

(v) The applicant shall provide his residential address and mobile number to the concerned police station.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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