

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 783 OF 2023

Siddheswar Bajrang Wagaj	... Applicant
v/s.	
The State of Maharashtra and anr.	 Respondents

Mr. Kuldeep U. Nikam for the Applicant.
Mr. R.M. Pethe, APP for the State.
Mr. Amandeep S. Sra for the Respondent No.2.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 18th APRIL, 2023.

P. C. :-

. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant apprehending his arrest in C.R.No.123/2023 registered with Mohol Police Station, Solapur for offences punishable under sections 354, 354-A, 354-B of the Indian Penal Code and Section 12 of Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. Heard learned counsel for the Applicant, learned APP for the State and learned counsel for the Intervenor. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by the victim who was 9th standard student. The Applicant is a Teacher in the same school. The FIR reveals that on 06/02/2023, in the afternoon session, while the victim was answering her marathi papers, the Applicant who was on duty in the said class as a supervisor, stood near her, caught hold of her hand and started looking on her watch and asked about the time. Once again, he came near the victim and again caught hold of her hand. When she questioned as to why he was doing so, he threatened to cut her marks. She states that while she was answering the paper, the Applicant would repeatedly sit on her bench and touch her inappropriately. Again while leaving the class, the Applicant deliberately threw down the answer papers and made her pick those papers. While picking up the papers, he touched her inappropriately. She has stated that the Applicant would ogle at her while she was going towards her house. She has stated that her other classmates had also informed her about such behaviour of the Applicant.

4. The victim has stated that the Applicant asked her mobile number and gave his Snapchat ID and asked her to send him message on the said ID. When she informed the Applicant that she does not have a

mobile phone, he told her to take the mobile from her father and send whatsapp messages on his phone. Since the Applicant was constantly sending messages, she informed her parents about the said incident and FIR came to be registered against the Applicant.

5. The statement of one of the senior teachers indicates that as per the rule, supervisor is not assigned supervision duty in the same class. She has stated that on 06/02/2023, the Applicant was the supervisor in Block no.1. Since one of the teachers had reported ill, in the afternoon session, another teacher Bhagire was deputed as a Supervisor in Block No.1. However, the Applicant herein requested her to send him as a Supervisor in the same block i.e., Block No.1. She has stated that at the request of the Applicant, she changed his supervision from Block No.2 to Block No.1. She has stated that victim was answering her examination in Block No.1.

6. The statements of other students also prima facie supports the contention of the first informant. The material on record prima facie reveals that apart from the first informant, the Applicant has also sexually harassed another student who was also a 9th standard student. The second victim has also made similar accusations against the

Applicant. The Applicant had sent similar messages to the other victims on snapchat. The material on record prima facie indicates that the Applicant who is a teacher by profession, has been sexually harassing the students. Suffice it to say, teachers play an important and integral role in every student's life not only in guiding them to achieve their academic goals and aspirations but also to develop knowledge and skills and to instill sound moral values. The revered teacher-student relationship gets dented when the teachers filled with lusts and contemptible desires sexually exploit and abuse students. Such sexual abuse impact their studies and has negative social and psychological effect. Hence, such instances cannot be brushed aside as routine or less serious offence.

7. Considering these factors, this is not a case to exercise discretion under section 438 of Cr.PC. in favour of the Applicant and to grant him pre-arrest bail. Hence, the Application is dismissed.

PREETI
H
JAYANI

Digitally signed
by PREETI H
JAYANI
Date: 2023.04.26
17:53:08 +0530

(SMT. ANUJA PRABHUDESSAI, J.)