

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

ANTICIPATORY BAIL APPLICATION NO.1196 OF 2023

Bhakti Shah ...Applicant

vs.

The State of Maharashtra ...Respondent

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Mrs. Anita R. Dwivedi, for the Applicant.

Mr. Tejas Deshpande, a/w. Ms. Mrunmayee Chowkidar, for the Intervenor.

Mr. S.V. Gavand, APP, for the Respondent State.

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CORAM : ANUJA PRABHUDESSAI, J.

DATE : 24 APRIL 2023

P.C.:

This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in Crime No.211 of 2023 registered with Kandivali Police Station, Mumbai, for offence punishable under Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015 and under Section 23 of Juvenile Justice (Care and Protection of Children) Act, 2020.

2. Heard Mrs. Anita Dwivedi, learned Counsel for the Applicant, Mr. S.H. Yadav, learned APP for the Respondent State and Mr. Tejas Deshpande, learned Counsel for the First Informant.

3. Learned Counsel for the Applicant states that the Applicant has been falsely implicated and that there is no material to indicate that the Applicant has subjected the children to cruelty. She further submits that the Applicant has co-operated with the investigation. There is nothing to be recovered and this is not a case which necessitates custodial interrogation.

4. Per contra, learned APP and learned Counsel for the First Informant submit that the parents noticed significant behavioural changes in the children. They checked the CCTV footage and realised that these children, between the age group of 2-4 years, were being hit, pinched, slapped and thrown on the ground.

5. I have perused the records and considered the submissions advanced by learned Counsel for the respective parties.

6. The aforesaid crime was registered pursuant to the FIR lodged by Kaushal Dinesh Zhaveri. A perusal of the facts narrated in the FIR reveals that his two year old son was going to a play school by name Rhymes & Rumbles at M.G. Road, Kandivali West. There were about 28 children in the play school, which was run by the co-accused Jinal Chheda. He has stated that the Applicant was one of the teachers in the said play school. The First Informant noticed behavioural change in his son. He was getting aggressive and scared. His initial reaction was that his son was being bullied by the other children. He enquired

with the other parents and they too told that there was behavioural change in their children. The parents apprehended that their children were being physically abused. Hence, they checked the CCTV footage of the school. They were shocked to see that the teachers Jinal Chheda and the Applicant hitting and pinching the young children between the age group of two to four years. These children were being hit with the books on their head. They were being pinched and were lifted and thrown on the floor.

7. The CCTV footage prima facie shows the involvement of the Applicant in assaulting the children and subjecting them to physical cruelty. These young children, between the age group of two to four years, who were sent to play school, have been subjected to physical and mental cruelty. Suffice it to say that such acts of cruelty at such a young age can have devastating effect not only on physical but mental well being of children.

8. In such circumstances, this makes the offence grave and serious. Considering the nature of the accusation against the Applicant and the material thereof, I am not inclined to grant bail in favour of the Applicant. Hence, the application is dismissed.

(ANUJA PRABHUDESSAI, J.)