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Mr. S.A. Rajeshirke for Respondent No.2 (appointed).

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DATED : 2 FEBRUARY 2023

P.C. :-

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 119 of 2022 registered at MIDC Police Station, Raigad for the offences punishable under Sections 354, 354-D of Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

3. I have heard the learned Counsel for the applicant, the learned APP for the State and the learned Counsel for Respondent No.2.

4. The allegations against the present applicant, who was working as a Head Master in New English School at Walan are that he touched the victim inappropriately who was studying in the said school in 9th standard.

5. The learned Counsel for the applicant submits that the applicant is involved in a false case with ulterior motive. It is submitted that the applicant has rendered unblemished service of more than 30 years. It is submitted that there is no need of custodial interrogation and the applicant is ready to co-operate in the investigation.

6. The learned APP submits that considering the nature of offence the applicant may not be released on anticipatory bail.

6. It appears that the report came to be lodged only after some sort of altercation took place between the parents of the victim and the present applicant. It further appears that the applicant after the alleged incident has taken voluntary retirement. There are no other victims. Considering the overall facts and circumstances, I am inclined to grant anticipatory bail to the present applicant. In the result, the following order is passed :

(i) Application is allowed.

(ii) In the event of arrest of the applicant - Rajan Baburav Mahadik in Crime No. 119 of 2022 registered at MIDC Police Station, Raigad for the offences punishable under Sections 354, 354-D of Indian

Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012, he shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(iii) The applicant shall attend the concerned police station as and when called by the Investigating Officer and shall co-operate in the investigation.

(iv) The applicant shall not enter into the limits of Village : Walan till conclusion of the trial.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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