



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 725 OF 2024

Satish Vithoba Shirke

...Applicant

Versus

1. The State of Maharashtra

2. X.Y.Z.

...Respondents

...

Advocate for Applicant : Mr. Rahul R. Karpe

APP for Respondent/State : Mr. S.R. Wakale

Advocate for Respondent No.2 : Ms. M. V. Narwade (Appointed
through Legal Aid)

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CORAM : S.G. MEHARE, J.

DATED : JUNE 12, 2024

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the victim.

2. It is a case of a teacher who has been arraigned as an accused in Crime No.142 of 2024 registered with Tophkhana Police Station, District Ahmednagar for the offence punishable under Sections 354, 354-A and 509 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children From Sexual Offences Act.

3. There appears allegations and counter allegations against each other. The student alleged that the applicant was seeking for

sexual favour and hence, he gave her zero marks in practical examinations.

4. Learned counsel for the applicant submits that at the relevant time there were no allocation of marks. She with an intention to create a evidence has recorded the recording without the knowledge of the applicant. He is a man of good repute, but he has been falsely implicated in the crime. He never committed any offence.

5. Learned APP and learned counsel for the victim submits that the offence is serious. Another girl students may be exploited at the hands of the accused. He did acts of unbecoming a good teacher. Therefore, he may not be granted bail.

6. Perused the papers. The investigation has been completed. The applicant is languishing in jail since 09.02.2024. Nothing is to be recovered from him. Considering the maximum punishment for the offence for which the accused has to face the trial, the Court is of the view that further detention of the applicant would serve no purpose. However, the apprehension of the prosecution of tampering the prosecution witnesses may be guarded by imposing certain conditions. Hence, the following order :

ORDER

- (i) Bail Application is allowed.

(3)

- (ii) Applicant, Satish Vithoba Shirke, be released on bail on furnishing PB. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount in the above crime, on the conditions that;
 - (a) The applicant shall attend the trial on each and every date and co-operate with the trial.
 - (b) The applicant shall not contact the victim or any other witnesses by any mode or manner till conclusion of the trial.
- (iii) The Secretary, High Court Legal Services Sub-Committee, Aurangabad do pay the fees of the appointed counsel for respondent no.2/victim as per schedule.

(S.G. MEHARE, J.)