



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

991 BAIL APPLICATION NO. 2059 OF 2024

ASHOK HARIBHAU PAWAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Deshmukh Vijay Vasantrao

APP for Respondent/State: Mr. B. B. Bhise

Advocate for Respondent No.2 : Mr. S. G. Magre

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CORAM : ARUN R. PEDNEKER, J.

DATE : 13th DECEMBER, 2024

PER COURT:

1] Heard learned counsel for the applicant and the learned APP for the respondent-State and Mr. S. G. Magre, learned counsel for respondent no.2.

2] The applicant is seeking bail as he was arrested on 11.10.2024 in connection with Crime No.297 of 2024, dated 07.10.2024, registered with Sonpeth Police Station, District Parbhani, for the offences punishable under Section 65(2) of the Bharatiya Nyaya Sanhita, 2023 & under Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act.

3] The distressing incident with a 4½ year child took place in the school, where it appears that the victim / child told her mother that on 05.10.2024 there was an inappropriate conduct by 'father of one Arnav' towards her. The mother of the girl took the girl to a doctor, where she did not get satisfactory answers, as such, she took the girl

child to another doctor, who on examination of the child informed the police of the abuse of the child in the school and, accordingly, the FIR was registered.

Incidentally, the applicant here happens to be a person, whose son named Arnav is studying in the same school as the victim and, accordingly, the applicant herein was called in for interrogation for 3 to 4 days and was thereafter arrested and he is in custody from 11.10.2024.

The learned counsel for the applicant submits that on the relevant day, as the applicant is a teacher, teaches in school which is about 20 Kms. away from the school of the victim and that his presence in the school may be ascertain from the CCTV footage of both schools i.e. of the victim and the school of present applicant. So also, the CCTV footage of the victim's school is in custody of the police, wherein the police can ascertain, whether the applicant was present in the school of the victim. The incident appears to have happened after lunch i.e. after the child had taken lunch she was taken to the bathroom by 'father of Arnav', meaning thereby, the incident has happened somewhere during the lunch break. On direction of this court the police have verified the CCTV footage of the school, where the applicant teaches and has reproduced the transcript that on 05.10.2024 from about 09:34 to 02:45 the applicant was present in the school in which he teaches and he seen on various cameras moving from one class to another and so also from one place to another in the school in which the applicant teaches.

4] The learned APP has also made a statement before this court, on instructions of a Senior Officer investigating the case that the

applicant is not visible in the CCTV footage of the school of victim, on 05.10.2024, although, CCTV footage is thereafter forwarded for forensic examination. It is also stated that none of the school staff has confirmed the presence of the applicant in the school premises of the victim child on the date of the incident.

5] Considering the above situation without making any further comment on the role of the applicant as the matter is under investigation and that the applicant is in jail from 11.10.2024 and that the CCTV footage of both the schools prima facie would demonstrate that the applicant on that day was not present in the school of the victim but was rather present in his own school, which is about 20 Kms away from the school of the victim.

6] Considering the above situation that it would be a possible case of misidentification, the applicant deserves to be granted bail.

7] In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No.297 of 2024, dated 07.10.2024, registered with Sonpeth Police Station, District Parbhani, for the offences punishable under Section 65(2) of the Bharatiya Nyaya Sanhita, 2023 & under Sections 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, on furnishing PR bond of Rs.15,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

8] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

9] It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10] The application stands disposed of.

[ARUN R. PEDNEKER, J.]