

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO. 275 OF 2024**

Mahadeo Sambhaji Bansode

.. Appellant

Versus

State of Maharashtra and anr.

.. Respondents

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- Mr. D.S. Mhaispurkar i/b Mr.Hrishikesh Pawaskar, for the Appellant.
 - Ms.Shilpa K. Gajare-Dhumal, APP for Respondent-State.
 - Ms.Shivani Kondekar, appointed Advocate for Respondent No.2.
 - PN- Mr.S.B. Chavan, Valsang police station, Solapur present.
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CORAM : SANDEEP V. MARNE, J.**DATE : AUGUST 13, 2024****P. C.:**

1. This is an Appeal under the provisions of Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**'SC & ST Act'**) challenging the order dated 01/03/2024 passed by Additional Sessions Judge, Solapur rejecting the Application filed by the Appellant for pre-arrest bail under Section 438 of the Code of Criminal Procedure in connection with Crime No. 25/2024 registered with Valsang Police Station for the offences punishable under Sections 354A, 354D, 504 of the Indian Penal Code (**'IPC'**) and under Sections 3(1)(r) (s), 3(1)(w)(i)(ii), 3(2)(va) of the SC & ST Act.

2. The Appellant is under interim protection granted by this Court vide order dated 15/03/2024. During the course of hearing of the Appeal on 15/03/2024, the Appellant apparently highlighted the allegations in paragraph 15 of the appeal-memo in which there is an allegation made by the Appellant against the Complainant of demand of Rs.2 lakhs which is captured on CCTV cameras. This Court accordingly directed the learned APP to take instructions in this regard. Learned APP after taking instructions from the officer present in the Court submits that no CCTV footage is recovered in support of the allegations in paragraph 15 of the appeal-memo.

3. I have heard Ms.Kondekar, learned counsel appointed by this Court to represent Respondent No.2. She would submit that there are specific allegations in respect of 4 incidents against the Appellant. That the Complainant was a temporary teacher and the Appellant has taken disadvantage of his position as a senior permanent teacher for sexually harassing the Complainant at workplace. That the services of Respondent No.2 have been terminated after lodging of the FIR. She would submit that since serious allegations are involved against the Appellant, his custodial interrogation is necessary for completion of investigation into the crime.

4. *Prima facie*, it appears that in respect of the alleged incident of 01/11/2023, there is delay in lodging of FIR. Even in respect of the incident that allegedly took place on 13/01/2024 again there is delay of 11 days. So far as the caste based utterances are concerned, it appears that the same were not made in public view. Both the Appellant and

Respondent No.2 were teachers employed in the school. The Appellant is already under interim protection granted by this Court since 15/03/2024. It appears that he has appeared before the Investigating Officer for co-operating with the investigation. Learned APP would however complain that though the Appellant appeared before the Investigating Officer, he did not co-operate with completion of the investigation. In my view, therefore, the interim protection granted in favour of the Appellant deserves to be made absolute subject to the condition of the Appellant co-operating with the investigation.

5. The Appeal succeeds. I accordingly proceed to pass the following order:

(a) The order dated 01/03/2024 passed by the Additional Sessions Judge, Solapur is set aside.

(b) The interim protection granted in favour of the Appellant vide order dated 15/03/2024 is made absolute.

(c) The Appellant shall remain present before the concerned Investigating Officer on 27/08/2024 and 28/08/20024 and co-operate with completion of investigation.

(d) The Appellant shall not contact the Respondent No.2 in any manner nor shall pressurize any witnesses associated with the case or tamper with the evidence.

(e) The Appellant shall attend each date of hearing before the Trial Court, unless exempted.

6. With the above directions, the Appeal is allowed and disposed of.

[SANDEEP V. MARNE, J.]