

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

ANTICIPATORY BAIL APPLICATION NO.838 OF 2024

Subhash Dinesh ChaudhariApplicant
Versus
State of Maharashtra and another Respondents

Mr. N.L. Chaudhari, Advocate a/w. Vivek Salunke for the Applicant.

Smt. M.H. Mhatre, APP for the Respondent-State.

Mr. Abhijeet Khade, Advocate i/b. Onkar Wable for the Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 28th MARCH, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.54/2024 registered at Pimpalgaon Police Station on 7.3.2024 under Sections 354-A, 506 of IPC, under Sections 12 of the Protection of Children from Sexual Offences Act and under Sections 3(1)(w)(ii), 3(1)(r), 3(1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

2. Heard Mr. N.L. Chaudhari, learned counsel for the Applicant, Smt. M.H. Mhatre, learned APP for the Respondent-State and Mr. Abhijeet Khade, learned counsel for the Respondent No.2.

3. Since this is an offence under the S.C. S.T. Act, it is necessary to hear the first informant. Learned counsel for the applicant has made her respondent No.2 without disclosing her identity.

4. Mr. Khade appears and states that he has instructions to appear for the respondent No.2.

5. Learned APP does not have instructions as the investigating officer is not present. Therefore, I have heard the parties for consideration of ad-interim relief.

6. The FIR is lodged by the victim herself, who was 17 years of age at the time of registration of FIR. She has narrated the incident dated 21.2.2023. The Applicant, was looking after the affairs of the Ashram Shala. He came to the hostel. The FIR mentions that he called all the girls from the hostel to a ground. The Applicant visited all the rooms and

checked the bags of all the girls for any mobile phone. There was no phone with anybody. Thereafter, the Applicant had some conversation with the girls. There are allegations that during such conversation, the Applicant kept his hand on the informant's shoulder and touched her cheek. Mainly on these allegations, the FIR is lodged.

7. Learned counsel for the Applicant submitted that the alleged incident is dated 21.2.2023 and the FIR is lodged after more than a year on 7.3.2024. That itself shows that the Applicant is falsely implicated as an afterthought because of the internal politics in running that school. He submitted that some teachers and others were against the Applicant and, therefore, they have implicated him falsely. He submitted that in March, 2024 one of the girls had consumed poison because of the harassment caused by the other teachers. Her father had made a complaint. The other teachers pressurized her to implicate the present Applicant falsely. This indicates that there is a definite design to involve the Applicant falsely and it is done with malafide intention.

8. Considering these submissions, the investigating officer and the respondent No.2 will have to respond to these submissions. As prayed by learned APP and learned counsel for the respondent No.2, today I am adjourning the matter. However, learned counsel for the Applicant has made out a case for grant of ad-interim relief. Hence, the following order:

ORDER

- (i) Issue notice to the Respondent No.2. Learned counsel waives service of notice on the Respondent No.2.
- (ii) In the event of his arrest in connection with C.R.No.54/2024 registered at Pimpalgaon Police Station, till the next date, the Applicant be released on bail on his executing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (iii) This order shall operate till 18.4.2024.
- (iv) Stand over to 18.4.2024.

(SARANG V. KOTWAL, J.)