

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 838 OF 2024**

Subhash Dinesh Chaudhari ... Applicant
vs.
The State of Maharashtra and another ... Respondents

Mr. Vivek V. Salunkhe, i/b. Mr. N. C. Choudhari for applicant.

Mr. Sagar R. Agarkar, APP for respondent No.1-State.

**CORAM : MANISH PITALE, J.
DATE : 19th NOVEMBER, 2024**

P.C. :

. In this application, on 28.03.2024, this Court granted interim relief in favour of the applicant. It is to be noted that respondent No.2 was represented by an advocate and in his presence, the aforesaid interim order was passed.

2. The cause list for today shows the name of the advocate representing the respondent No.2. But, he has chosen not to appear before this Court.

3. The applicant is facing prosecution for offences under Sections 354-A and 506 of the Indian Penal Code, 1860; Section 12 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(w)(ii), 3(1)(r) and 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. While granting interim order, this Court (Coram: Sarang V. Kotwal, J) on 28.03.2024, observed as follows:

- “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, who 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 were 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 mala fide 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.”
5. There is nothing to show that the applicant has not co-operated with the investigation. In fact, the charge-sheet has been filed on 06.05.2024.

6. Considering the reasons recorded in the interim order and in the light of the fact that the investigation is now complete and charge-sheet has been filed, this Court is inclined to confirm the interim order and allow the application.

7. In view of the above, the interim order dated 28.03.2024 is made absolute and the application is allowed.

8. The applicant shall not tamper with the evidence. He shall co-operate with the proceedings before the trial Court and he shall not influence the informant, witnesses and any other person concerned with the case.

(MANISH PITALE, J)

Priya Kambli