

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1435 OF 2024

Pravin Dinkar Bobade	...	Applicant
Vs.		
State of Maharashtra and others	...	Respondents

Ms. Sana Raees Khan a/w. Mr. Aditya Parmar for Applicant.

Mr. Mayur S. Sonavane, APP fo Respondent-State.

Mr. Pawar, Rajgad Police Station, District-Pune.

CORAM : MANISH PITALE, J.
DATE : JUNE 19, 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. By this application, the applicant apprehends arrest in connection with FIR No.0135 dated 22.03.2024 registered at Rajgad Police Station, District - Pune Rural for offences under Sections 8, 9(f), 9(l), 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) as also Section 354-A of the Indian Penal Code, 1860 (IPC).

3. The informant is the in-charge principal of Zilla Parishad Primary School, where the applicant is a teacher. As per the informant, girl students of the said school complained about the manner in which the applicant allegedly behaved with them and on that basis, he further approached the police, resulting in registration of the aforesaid FIR.

4. The learned counsel for the applicant submits that in the present case, offence under Section 354-A of the IPC is bailable and the offences registered under the provisions of the POCSO Act are those which may

lead to punishment upto three years. On this basis, it is submitted that since the applicant is ready to co-operate with the investigation and the statements of the alleged victim girls have been already recorded by the police, anticipatory bail may be granted to the applicant. The applicant is ready to abide by any stringent conditions that may be imposed. It is further submitted that the applicant has had an unblemished career for the past 16 years and that he has been awarded for his good work. Copies of the certificates granted to the applicant recognizing his good work have been placed on record.

5. It is further submitted that the FIR has been registered at the behest of the acting principal as a matter of vengeance, for the reason that the applicant was raising issues regarding administration of the school. Attention of this Court is invited to the letters sent by the wife of the applicant to the concerned authorities, raising allegations about the manner in which the school is being run and the corrupt practices that are being indulged in. It is submitted that in this backdrop, this Court may appreciate that the FIR has been registered as a matter of vengeance.

6. The learned APP opposes the prayer made in the present application and invites attention of this Court to the statements of the victim girls. He submits that serious allegations have been made against the applicant and this is not a case for grant of anticipatory bail.

7. A perusal of the statement of the informant, leading to registration of the FIR, shows that the manner in which the applicant allegedly behaved with the victim girls has been stated and since ingredients of the aforesaid offences are made out, the applicant is facing investigation for such offences under the POCSO Act as well as the IPC. Although the offence under the IPC is bailable, the offences under the POCSO Act concern girls in their formative years and therefore, it is an extremely

serious matter.

8. This Court has also perused the statement of each and every victim girl recorded during the course of investigation. At this stage, this Court has gathered an impression that each victim girl has indeed described the way in which the applicant used to behave and touch them. It cannot be said that the statements are parrot like repetitive statements. Each and every victim girl has indeed described the behaviour of the applicant in terms of what they allegedly suffered at his hands. Considering the fact that the victim girls are students of the primary school, the matter is serious.

9. Even if the applicant has had an unblemished career and there are indeed certificates recognizing his good work, that cannot itself be said to be a ground to consider his application favourably. Insofar as the letters sent by the wife of the applicant to the concerned authorities raising issues of corruption, a perusal of the letters shows that they were sent on 28.03.2024 and 29.03.2024, while the FIR was already registered on 22.03.2024. Therefore, at this stage, the theory of vengeance sought to be raised on behalf of the applicant cannot be accepted.

10. In view of the above, no case is made out for grant of anticipatory bail. The application is rejected.

(MANISH PITALE, J.)

Minal Parab