

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2194 OF 2024

Navnath Vitthal Kuchekar ... Applicant
Vs.
State of Maharashtra and another ... Respondents

Mr. B. A. Lawate for Applicant.

Mr. Kiran C. Shinde, APP for Respondent No.1-State.

CORAM : MANISH PITALE, J.
DATE : AUGUST 23, 2024

P.C. :

1. Heard Mr. Lawate, learned counsel for the applicant and Mr. Shinde, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0146 of 2024 dated 03.04.2024 registered with Dahiwadi Police Station, District - Satara, for offences under Section 354-A of the Indian Penal Code, 1860 (IPC), as also under Sections 8, 9(f), 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

3. Since offences under the POCSO Act have been registered, notice will have to be issued to the respondent No.2. Hence, issue notice to the respondent No.2, returnable on 27.09.2024, High on Board. Respondent No.2 shall be served through the investigating officer, for which purpose, the applicant shall provide an additional set of papers to the investigating officer.

4. The learned counsel for the applicant is pressing for interim relief in the facts and circumstances of the present case. He submits that the FIR is highly belated because the alleged incidents of sexual harassment of the minor girl students pertain to the period between 15.06.2021 and

18.06.2022, while the FIR was registered after about two years on 03.04.2024. It is further submitted that during the course of investigation, the statements of alleged victims are recorded under Section 164 of the Code of Criminal Procedure, 1973, wherein they have not supported the allegations at all. It is further submitted that the Block Education Officer has simply caused the FIR to be registered on the basis of one-sided enquiry, without proper opportunity being granted to the applicant.

5. The learned APP submits that there are indeed statements of the alleged victims recorded under Section 164 of the Cr.P.C., wherein they have not supported the allegations that formed the basis of the registration of the FIR.

6. This Court has perused the material on record. Since the alleged victims have not supported the allegations while their statements under Section 164 of the Cr.P.C. were recorded as also the fact that as on today, the applicant is under suspension and there is a departmental enquiry being conducted, coupled with the fact that the FIR *prima facie* appears to be delayed by about two years, this Court is inclined to grant interim relief to the applicant.

7. In view of the above, there shall be interim order in the following terms:-

- A. Till the next date, in the event the applicant is arrested in connection with FIR No.0146 of 2024 dated 03.04.2024 registered with Dahiwadi Police Station, District - Satara, he shall be released on bail on furnishing PR Bond of Rs.20,000/- [Rupees Twenty Thousand only] with one or two sureties in the like amount;
- B. The applicant shall remain present before the investigating

officer between 10:00 a.m. and 12 noon on 26.08.2024 and thereafter, as and when called by the investigating officer. He shall co-operate with the investigation;

- C. The applicant shall not, in any manner, contact the victims;
- D. The applicant shall not influence the informant, witness or any person concerned with the case and he shall not tamper with the evidence.

7. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

8. List on 27.09.2024, High on Board.

(MANISH PITALE, J.)

Minal Parab