

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

Anticipatory Bail Application No.2494 of 2024

Pankaja S Raje

Nee Pankaja S Shanbhag,

Age: 54 years, Occu: Teacher,

303, Saint Sebastain Classic,

Sunder Nagar, Kalina,

Santacruz (East)

... Applicant

v/s.

The State of Maharashtra

Through Police Station Officer,

Navpada Police Station

... Respondent

....

Mr Dujendrakumar Sharma, a/w Mr Pradyumna Sharma, for the Applicant.

Mr Arfan Sait, APP, for Respondent State.

PSI RD Ranbhire, Naupada Police Station, is present.

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Coram : R.N. Laddha, J.

Date : 5 September 2024

P.C. :

Heard Mr Dujendrakumar Sharma, the learned Counsel appearing on behalf of the applicant and Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/State.

2. By this application, the applicant seeks pre-arrest bail apprehending arrest in CR No.0945 of 2024, registered at Naupada Police Station, Thane, for the offences punishable under Sections 115(2) and 118(1) of the Bharatiya Nyay Sanhita (BNS), and Section

75 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

3. The informant, mother of an 8-year-old boy, filed a complaint alleging that on 19 July 2024, the applicant struck her son on the head with a steel scale as he did not bring his notebook. The applicant also prevented him from writing notes in another notebook, tore out pages, and threw his notebook away. Further, she made him sit alone, did not allow the other students to talk to him and harassed him.

4. Mr Dujendrakumar Sharma, the learned Counsel for the applicant, submits that the applicant is a law graduate and has been working as a teacher since 1988. Apart from the present complaint, there have been no other complaints from the school where the applicant worked previously. The applicant has been falsely implicated in the present crime and was illegally detained at the instigation of the school Principal. There has been a substantial delay of almost a month in filing the FIR. Additionally, there is no medical or injury report to support the prosecution's claim, and no instrument or weapon is involved in the case. Although the Education Officer of Thane Municipal Corporation has filed a report stating that *prima facie* the incident appears to be true and directed the school management to take administrative action, no notice was served for any such enquiry. Upon perusing the report of the Education Officer, it is clear that it merely advises and directs the management to initiate the administrative enquiry. This report cannot be relied upon at this stage

as the administrative enquiry has not been initiated to date. Admittedly, there is no *mens rea*. The investigation is almost complete. The applicant has deep roots in society and is a permanent resident of Mumbai. The applicant undertakes to abide by the conditions imposed by this Court.

5. Mr Arfan Sait, the learned APP, opposed the prayer for pre-arrest bail, arguing that the offence is serious. He emphasised that the severity of the applicant's action towards the victim child needs to be addressed. The applicant has been employed at the school since 2019, and it is necessary to investigate whether similar incidents have occurred with other students. An enquiry conducted by the Education Officer of Thane Municipal Corporation confirmed the parents' complaint, revealing that the applicant's behaviour towards the victim child was inappropriate. Consequently, the Education Officer instructed the Principal to take administrative action against the applicant.

6. I have given anxious consideration to the rival submissions canvassed across the Bar. From the perusal of the records, it appears that the applicant, a teacher at the school, is accused of mentally and physically harassing the victim child and other students. It is alleged that she struck the victim on the head with a steel scale for not bringing a notebook. The parents reported this incident to the Principal five days later and lodged an FIR approximately a month thereafter. There

appears a significant delay in filing the FIR, and no medical or injury report is on record. The investigation is nearly complete and the custodial interrogation of the applicant is deemed unnecessary. In light of the above, this Court is inclined to exercise its discretion in favour of the applicant. Hence, the following order :

ORDER

- (i) In the event of arrest, the applicant shall be released on bail in CR No.945 of 2024, registered at Naupada Police Station, Thane, on executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.
- (ii) The applicant shall cooperate with the investigation and report to the concerned Police Station, as and when directed.
- (iii) The applicant, herself or through any other person, shall not tamper with the evidence or influence any witnesses.

7. The application stands disposed of accordingly.

[R.N. Laddha, J.]