

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3384 OF 2024**

Prasanta Kumar Prusty ... Applicant
vs.
The State of Maharashtra ... Respondent

Ms. Anandini Fernandes for applicant.

Ms. Megha S. Bajoria, APP for respondent-State.

Mr. Santosh Gaikwad, PSI, Koregaon Park Police Station, District Pune City.

CORAM : MANISH PITALE, J.

DATE : 14th DECEMBER, 2024

P.C. :

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

2. The applicant is apprehending arrest in connection with FIR No.0150 of 2024 dated 01.10.2024, registered at Koregaon Park Police Station, District Pune City, for offences under Sections 75, 75(1), 75(2), 75(3) and 351(2) of the Bharatiya Nyaya Sanhita, 2023.

3. The allegation levelled by the informant is that in September 2023, the applicant had behaved in a particular manner, which led to her sexual harassment and on the basis of the contents of her statement, the aforesaid offences have been registered against the applicant.

4. The learned counsel for the applicant submits that the subject FIR is a counterblast to an earlier FIR dated 09.10.2023 registered at

the behest of the applicant, wherein the informant was charge-sheeted for offence under Section 323 of the Indian Penal Code, 1860 as also the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015. The subject matter of the aforesaid proceedings pertains to the allegation of corporal punishment being imposed by the informant on the students of the school, where the applicant is working as an administrative officer. It is further submitted that the informant had earlier approached the Internal Complaint Committee of the school as regards the allegation of sexual harassment. The report of the committee has been rendered in favour of the applicant. Relying on the aforesaid material, it is submitted that this Court may allow the application, as the applicant undertakes to co-operate with the investigation.

5. The learned APP submits that the earlier FIR appears to have been registered at the behest of the applicant against the informant, without any authorization of the Principal of the school. It is further submitted that the allegation levelled against the applicant pertains to sexual harassment of the victim (informant) and in such circumstances, indulgence may not be shown.

6. This Court has perused the material on record, in the light of the rival submissions. There is substance in the contention raised on behalf of the applicant that the subject FIR appears to be a counterblast and an after-thought, in the light of the documents placed on record.

7. It is to be noted that in the subject FIR, the informant has raised grievance about the alleged conduct of the applicant pertaining to September 2023, while the FIR is registered more than

one year later on 01.11.2024. It is also noted that the applicant is the informant in an earlier FIR registered in October 2023 against the informant, as regards the incident of corporal punishment allegedly inflicted by her on the students of the school, where the applicant is working as administrative officer. The charge-sheet is already filed against the informant in the said case on 21.04.2024.

8. It is relevant to note that with regard to the allegation of sexual harassment, which forms the subject matter of the present FIR, the informant had submitted her complaint in April 2024 before the Internal Complaint Committee of the institution. The report of the said committee dated 15.07.2024 records findings to the effect that the complaint of the informant was unfounded, false and vindictive.

9. The subject FIR has been registered about 3 months later in October 2024. The aforesaid facts support the contention raised on behalf of the applicant that the subject FIR could be said to be a counterblast and an after-thought. The applicant is ready to co-operate with the investigation and therefore, the application deserves to be allowed.

10. In view of the above, the application is allowed in the following terms:

- (i) In the event the applicant is arrested in connection with FIR No.0150 of 2024 dated 01.10.2024, registered at Koregaon Park Police Station, District Pune City, he shall be released on bail on furnishing PR Bond of ₹ 15,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

- (ii) The applicant shall remain present before the Investigating Officer on 16.12.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer.
- (iii) The applicant shall not contact the informant in any manner, till filing of charge-sheet.
- (iv) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.
- (v) The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

11. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

12. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

13. The application stands disposed of.

(MANISH PITALE, J)

Priya Kambl