



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.964 OF 2024
Sankalp s/o Virendra Medha
..VS..
State of Maharashtra, through Sadar PS, Nagpur

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Shri K.H.Dodani, Counsel for the Applicant.
Mrs.Shamsi Haider, Additional Public Prosecutor for NA No.1/State.
Shri Aniruddha Anantkrishnan, Counsel Appointed for NA No.2/Victim

CORAM : URMILA JOSHI-PHALKE, J.
CLOSED ON : 18/11/2024
PRONOUNCED ON : 22/11/2024

1. By this application, the applicant seeks regular bail in connection with Crime No.596/2024 registered with the non-applicant/police station for offences punishable under Sections 296, 74, 115(2), 351(2), and 75(2) of the BNS Act read with Section 12 of the POCSO Act.

2. The applicant was arrested on 10.9.2024 and since then he is in jail.

3. As per accusations, the applicant was employed with St.Francis De Sales Higher Secondary School, Sadar, Nagpur. He, being teacher, coerced, intimidated, and

psychologically harassed certain students as well as physically touched female students. First Information Report was registered on the basis of alleged enquiry dated 24.8.2024 conducted by Enquiry Committee formed by Manager of the said School. The said Committee was formed receiving several complaints by students ex-students of the said School. On the basis of said allegations, the crime was registered against the applicant.

4. Heard learned counsel Shri K.H.Dodani for the applicant, learned Additional Public Prosecutor Mrs.Shamsi Haider for non-applicant No.1/State, and learned counsel Shri Aniruddha Anantkrishnan appointed for non-applicant No.2 (the victim).

5. Learned counsel for the applicant submitted that due to personal grievances, the applicant was implicated by some of students by alleging false allegations only to tarnish his image. He is already suspended from the School. He is behind bars since the date of his arrest. Now, investigation into the crime is already completed and chargesheet is already filed. Even,

statements of students are inconsistent as far as allegations are concerned. Even, taking into consideration allegations as it is, the alleged offences are punishable with imprisonment of less than seven years. Further incarceration of the applicant is not required. As such, he prays that the application be allowed and the applicant be released on regular bail.

6. In support of his contentions, learned counsel for the applicant placed reliance on following decisions:

(1) Deepak Kanta Rai vs. State of Maharashtra, reported in 2018 SCC OnLine Bom 18019;

(2) Shaikh Abdul Khaleel Shaikh Abdul Kadir vs. The State of Maharashtra and anr (Bail Application No.1406/2024) decided by this court at Aurangabad Bench on 9.9.2024;

(3) Sayyed Arbaz and ors vs. State of Maharashtra, reported in 2020 SCC OnLine Bom 11074;

(4) Lala Mohammed Fhakhir vs. The State of Maharashtra, reported in 2016 SCC OnLine Bom 12586, and

(5) Shahid Gulam Khan vs. Sr.Police Inspector and anr, reported in 2018 SCC OnLine Bom 12905.

7. *Per contra*, learned Additional Public Prosecutor for the State and learned counsel for the victim strongly opposed the

application submitting that allegations against the applicant are in respect of sexual harassment. Many students came forward narrating acts committed by the applicant which sufficiently show involvement of the applicant in the crime in question. In view of that, the application deserves to be rejected.

8. Heard both sides. Perused investigation papers. Statements recorded show that the applicant was in habit of using filthy language in respect of students. It is further alleged that statements of some of female students disclose that the applicant used to physically touch their face, neck, and was using filthy language while communicating with them. The Committee was formed and report of the Committee shows that there is a substance in allegations levelled against the applicant. Admittedly, statements of some of witnesses are inconsistent. However, considering allegations and taking note that punishment provided for the said offence is for a period of maximum five years and the applicant is in custody since last two months and investigation has already been completed and chargesheet is also filed, further incarceration of the applicant is not required. As such, considering nature of allegations, the

application deserves to be allowed by imposing certain conditions.

9. In this view of the matter, following order is passed:

ORDER

(1) The criminal application is **allowed**.

(2) Applicant - Sankalp s/o Virendra Medha, shall be released on bail in connection with Crime No.596/2024 registered with the non-applicant/police station for offences punishable under Sections 296, 74, 115(2), 351(2), and 75(2) of the BNS Act read with Section 12 of the POCSO Act on his executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(3) The applicant shall not enter into premises of the said School, till culmination of the trial.

(4) The applicant shall not induce or threat or promise to any of witnesses connected with the crime in question and shall not tamper the prosecution evidence physically or through electronic media.

(5) The applicant shall attend proceedings before the court below without seeking any exemption unless there are exceptional circumstances.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!