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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.653 OF 2025

Vishnu Shivaji Wankhede
Age: 37 years, Occu.: Business,
R/o. Anchal, Tq. Risod, Dist. Buldhana,
At present: Plot No.8/B, N-11,
Navjeevan Colony, HUDCO,
Aurangabad.

... Applicant

Versus

1. The State of Maharashtra,
Through Officer Incharge,
Police Station City Chowk,
Chhatrapati Sambhajnagar
(Aurangabad),
Dist. Chhatrapati Shambajnagar
(Aurangabad)

2. The Commissioner of Police,
Chhatrapati Sambajnagar
(Aurangabad)
Dist. Chhatrapati Shambajnagar
(Aurangabad)

3. XYZ.

... Respondents

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Mr. Sudarshan J. Salunke, Advocate for Applicant
Mr. N.D. Batule, APP for Respondent – State
Ms. Sonali Veer, Advocate (appointed) for Respondent No.3

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 28 APRIL 2025

PRONOUNCED ON : 29 APRIL 2025

PER COURT :-

1. Present application is for regular bail on account of arrest of the applicant in Crime No.136 of 2025, registered at Shahar Chowk Police Station, Chhatrapati Sambajinagar, Dist. Chhatrapati Sambhajinagar for offences punishable under Section 75(2) of the Bharatiya Nyaya Sanhita (BNS) and under Sections 8, 12 of the Protection of Children from Sexual Offences (POCSO) Act.

2. Learned counsel for applicants submitted that, the applicant was taking private tuition classes. That, there is false implication. That, alleged occurrence of 26.03.2025, is reported on 27.03.2025. He pointed out that there are allegations that the applicant caught hold of the informant's hand and allegedly appreciated her looks, and offered her friendship. However, according to learned counsel, there is no statement of teaching, non-teaching staff or even any other student of the said class. That, CCTV were affixed, but the same were not seized. Therefore, except the said version of informant, there is evidence. That, now entire investigation is over, and charge-sheet is filed in March 2025. That, no recovery or discovery is to be made, and as applicant is ready to abide all and any

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conditions imposed by this Court, learned counsel urges for grant of bail.

3. Learned APP opposed on the ground that victim is minor. It is alleged that the applicant caught hold of the victim's hand with ill intentions and terrified the girl. That, she was called on the pretext of class, but there was no class. That, applicant tried to take disadvantage. For all above reasons, learned APP opposed the application.

4. Learned counsel appointed for respondent No.3, who is allowed to assist the APP also opposed on the ground that, victim is minor. That, taking the disadvantage of fiduciary relations, he misused trust. That, applicant tried to make advances, and offered friendship. For all above reasons, she opposed the bail and prays that the trial be expedited.

5. Heard. Perused the papers. FIR dated 27.03.2025 is at the instance of informant. She claims that she was studying in 10th standard, and according to her, on 25.03.2025, there was message on the mobile of her mother to call back, and therefore, on information to that extent by mother, informant dialed present applicant, who is the Director of Sunrise Classes. It is

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alleged that, present applicant asked her to come at 04:00 p.m. tomorrow for class. Accordingly, when she went on 26.03.2025, there were no other students. She was asked to wait in the staff room, but she went and sat in the class of mathematics with other girls. After around 05:00 p.m., present applicant asked her to come to the staff room. When he came, it is alleged that, he first asked her, what is her opinion about him and when she told him that classes are good, and that he teaches well. He further asked her whether his presence disturbs her and when she answered in negative, he allegedly said that he knew her date of birth and he intends to give her birthday gift and also asked that she had a smart watch, and that he is going to gift it to her. While asking her what she is taught in Mathematics, he allegedly caught her hand with ill intentions, and even said that, she looked good and had dimples on her cheeks, and offered to make friendship. He further allegedly asked her not to tell anyone, else it would not be good for her if she did. Out of fear, she manage to go home, and after reaching home, she allegedly informed her mother. On above report, crime has been registered and applicant is arrested.

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6. Statement of victim is also recorded under section 180 of the BNSS. Her birth certificate is placed on record. Learned APP, as well as learned counsel for the informant, have both opposed on the ground that the applicant, who is a tutor, has tried to take disadvantage and made advances by offering friendship and allegedly caught her hand with ill intentions. Charge-sheet is already filed. What is to be further recovered or discovered is not known made. Case is not shown to be committed. Much more time would be required to frame the charge. As no purpose is shown to be achieved by further detention, relief as prayed deserves to be granted. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.136 of 2025, registered at Shahar Chowk Police Station, Chhatrapati Sambajinagar, Dist. Chhatrapati Sambhajinagar on executing Personal Bond of Rs.15,000/- with one surety in the like amount on following conditions:
 - [a] The applicant shall not tamper prosecution evidence.
 - [b] The applicant shall not enter City Chhatrapati Sambhajinagar (Aurangabad), except attending the concerned police station and Court dates, till conclusion of trial.

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[c] The applicant shall attend the concerned police station thrice in every week i.e. on every Friday, Monday and Wednesday between 04:00 p.m. to 06:00 p.m. till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

(iii) Fees of the learned counsel appointed to represent no.2 be paid by the High Court Legal Services Sub-Committee, Aurangabad as per Rules.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane