



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 1791 OF 2024

Datta Gangadhar Hoge
Versus
The State of Maharashtra & Anr.

Mr. Kailas B. Jadhav for the Applicant.
Mr. A. V. Lavte, APP for the State.
Mr. S. G. Deshmukh for Respondent No.2.

CORAM : ADVAIT M. SETHNA, J.
DATE : 18 JULY 2025

P. C.:

1. At the outset it may be noted that several orders have been passed in these proceedings, from time to time. At the very threshold the order dated 22 October 2024 passed by this Court may be referred to, where this Applicant was granted protection on the basis of certain terms and conditions stipulated in paragraph 5 of the said order. The basis for granting such protection, as categorically noted in the said order, is the statement made by the learned Advocate for the Applicant on instructions that the Applicant's daughter is studying in the same class and thus it is practically impossible that the applicant could use any obscene words in her presence. The Court duly clarified that if such statement was found to be incorrect, the Application would be dismissed.

2. To recapitulate the case briefly in the FIR is lodged on the basis of a report filed by the complainant-informant, who was in-charge of the

said Zilla Parishad School since August 2024. There are six teachers, one clerk, one peon serving in the school. The present Applicant was serving as a teacher since last one year. Since the past four to five months, the Nirbhaya Pathak of Police Station, Manvat used to visit the said school and inquired with the students about good touch, bad touch, any harassment being caused to them and/or talking with them in obscene language. For such purpose, one complaint box was fixed in the school. On 1 October 2024 at about 11.30 a.m., the police of Nirbhaya Pathak came to the said school and visited classrooms including 8th grade class. At that time, some boys and girls voiced their grievance against the Applicant which they stated to have put in the complaint box. When it was opened, it so revealed that the Applicant is beating the students by the means of stick on their hand and asking obscene questions to them. Thereafter, when the police of the Nirbhaya Pathak inquired with the 8th class students, they confirmed about such complaints and the use of obscene language along with beating by means of a stick by the Applicant. It is in such circumstances that the report was lodged and the FIR was registered.

3. In the above context, Mr. Lavte, learned APP for the State would point out that such statement made by the Applicant as recorded in the order dated 22 October 2024 is far from truth. The contents of the affidavit filed on behalf of the State dated 26 June 2025 by one Kishan Govindrao Patange, Grade - Police Sub-Inspector, Manvat Police Station are to be duly

noted. There is a specific averment made in paragraph 5 of the said affidavit referring to a show cause notice dated 16 December 2024, copy of which is annexed to the said affidavit issued by the Headmistress of the Zilla Parishad School to the Applicant to demonstrate that the Applicant had created forged document regarding admission of his daughter in the said school. This is further corroborated from the fact that the student portal number of admission of the Applicant's daughter, which was shown as 10980 was not available on the school register. Not just this but there is a communication dated 21 October 2024, addressed by the said Zilla Parishad School to the Education Officer, Zilla Parishad, Parbhani *inter alia* stating that the admission of the daughter to the said school was without any supporting documents like Aadhar Card etc. submitted in this regard as also the purported registration number 10980 was not found on the school register. The said affidavit annexes a communication, which contains signature of about 31 students, all of whom seem to state that the daughter of the Applicant was never seen by any of them during the said academic year in the said class neither has any of those students of the class ever seen the daughter of the Applicant.

4. From the above it appears that the Applicant, who was also the teacher of the said school at the relevant time misused his position in creating false fabricated record of admission of his daughter and further falsely stating that she studied in the same class where the complaints were

lodged by the students for use of obscene words, against the Applicant. Such statement is belied and falsified by the affidavit of the State dated 26 June 2025 placed on record with the relevant annexures, as noted and referred to above. On this ground alone, the ABA of the Applicant ought to be dismissed as noted by the Court in its order dated 22 October 2024.

5. The conduct of the Applicant to make false statements before the Court does not end here. It entails a far more grave and concerning complexion. The Court passed an order on 19 June 2025 noting the serious objection taken by the learned APP that the Applicant has misused the liberty granted to him vide order dated 22 October 2024. Pursuant thereto, the State filed an affidavit-in-reply on behalf of Respondent No.1 dated 26 June 2025 as noted above. This Court in its subsequent order dated 27 June 2025 duly noted that one of the documents filed along with the said affidavit of the prosecution is an FIR lodged on 17 December 2024 by Manvat Police Station, Dist. Parbhani in CR No.0503 of 2024 at 18:38 hours. Mr. Lavte, learned APP submitted that the allegation in the said FIR was that the Applicant in the present proceedings had impersonated as an MLA to exert pressure on the Informant/Complainant in the said FIR working as an Educational Officer to transfer the Informant in the present FIR i.e. the current Principal of the said school. To this, the Applicant filed a rejoinder affidavit where in paragraph 2 it was categorically stated by the Applicant/Deponent in relation to the said FIR bearing No.0503 of 2024 was

investigated by the Assistant Police Superintendent, Sub-division Jintur, Dist. Parbhani and on completion of such investigation a closure report was submitted to the Office Superintendent of Police, Parbhani. In this context, there is a reference to a letter dated 12 February 2025 which is also exhibited to such rejoinder affidavit to buttress such stand taken by the Applicant in the said rejoinder. However, this is also incorrect inasmuch as a bare perusal of the letter dated 12 February 2025 would indicate that the Sub-Divisional Officer, Parbhani has merely referred the complaint of the Applicant to the Superintendent of Police, Parbhani.

6. Mr. Lavte, learned APP has clarified that false statements are made by the Applicant in such rejoinder affidavit dated 9 July 2025 pertaining to the FIR 503 of 2024 which is under investigation, thus contrary to the averment in such affidavit of the Applicant that a closure report is submitted to the office of Superintendent of Police, Parbhani. This has been duly recorded in the order passed by the Court on 9 July 2025. It is also both strange and surprising that the Applicant has in the rejoinder affidavit of 9 July 2025 annexed an internal communication between the Sub-Divisional Police Officer and the Superintendent of Police, Parbhani dated 12 February 2025 (Exhibit C, page 90) which is not even addressed to the Applicant. On 16 July 2025 when the Advocate for the Applicant was confronted with this position, he admitted that the statements as noted above made in the affidavit are incorrect. The only justification given is that

they were made inadvertently. This has been observed and recorded by the Court in its order dated 16 July 2025 when the Court expressed its strong displeasure and the conduct of the Applicant the Advocate for the Applicant sought instructions and came with written instructions from the Applicant dated 16 July 2025 to withdraw the Anticipatory Bail Application. It was in such circumstances that such request for withdrawal of Anticipatory Bail Application by the Applicant was strongly opposed by the learned APP more particularly in regard to the false statements made on oath by the Applicant. The order of this Court dated 16 July 2025 will clearly reflect such position.

7. In the peculiar facts and circumstances, on the touchstone of the *sine qua non* of *prima facie* case applying the parameters in the judgment of Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C. K. & Anr.***¹ the Anticipatory Bail Application deserves to be dismissed as the Applicant has acted in complete contravention of the order dated 22 October 2024 which granted interim protection to the Applicant by making false and incorrect statements in regard to his daughter studying in the same class, in respect of which complaints were lodged by the other students, which is falsified for the reasons noted in paragraph 3 above. The prosecution has been able to further establish that the Applicant does not have a *prima facie* case at all but has not come to this Court with clean hands by making false depositions in the affidavit of the Applicant dated 9

¹ 2022 17 SCC 391

July 2025, for the reasons noted above. It is trite law that making false statement on oath would tantamount to the offence of perjury and is extremely serious, which cannot be countenanced.

8. Mr. Lavte is thus justified in submitting that the Applicant cannot be allowed to continuously take advantage of his own wrongs, illegal acts by making false statements on affidavit misleading the Court and then simpliciter asking permission of the Court to withdraw the Anticipatory Bail Application, after the Applicant's conduct is exposed. In this context submission of the learned Advocate for the Informant/Complainant in the present proceedings referring to the affidavit-in-reply filed by her dated 22 April 2025, is noted where there is a reference to a Roznama of the Sessions Court of 15 March 2025. A perusal thereof would indicate that on the prayer of the Applicant to allow the Applicant to be enlarged on bail, the trial Court has on 15 March 2025 ordered the Applicant to furnish surety as per bail order in Anticipatory Bail Application No.1791 of 2024 i.e. the present Application dated 22 October 2024 (interim order) of this Court.

9. For all of such above reasons, considering the serious nature of accusations against the Applicant coupled with the alleged offences under the Sections invoked in the FIR and the subsequent developments as noted above, the prosecution has made out more than a *prima facie* case against this Applicant. The Court cannot be a silent spectator to such conduct, more particularly in exercising its jurisdiction under Section 482 of the BNS which

is an exception and not the rule. In such factual complexion, the submission of the prosecution for custodial interrogation of the Applicant, in the given facts is justified.

10. For all of the above reasons, the Anticipatory Bail Application is devoid of merit, which deserves to be dismissed by the following order:-

O R D E R

- i. Anticipatory Bail Application No.1791 of 2024 is **Rejected**.
- ii. All pending Applications, if any, in the Anticipatory Bail Application would not survive and are accordingly **Dismissed**.

[ADVAIT M. SETHNA, J.]