



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

CRIMINAL APPEAL NO. 1090 OF 2024

- 1] Sharad Sopan Jagtap
Age-54 years, Occupation-Service,
R/o. Kuldharan, Tq.Karjat,
Dist.Ahmednagar.

...Appellant

VERSUS

- 1] The State of Maharashtra,
Through Police Station Officer,
Karjat Police Station,
Tq.Karjat,Dist.Ahmednagar.
- 2] The Superintendent of Police,
Ahmednagar,Dist.Ahmednagar.
- 3] Somnath Raghu Bhawan
(Informant's Father)
Age : 42 years, Occu.Labour,
R/o. Dhalvadi,Tq.Karjat,
Dist.Ahmednagar.

...Respondents

Advocate for Appellants : Mr. Rahul R.Karpe
APP for Respondent Nos. 1 and 2 : Mr.K.K.Naik
Advocate for Respondent No.3 : Mr. Chormal Ajit B.

CORAM : SHAILESH P. BRAHME, J.

DATE : 16th APRIL 2025

FINAL ORDER :

1. Heard both sides.
2. This appeal is directed against order of rejection of pre-arrest bail passed by Additional Sessions Judge, Shrigonda, District Ahmednagar in Criminal (Bail) Miscellaneous Application No. 735 of 2024. The appellant is soliciting pre-arrest bail in furtherance of C.R No. 0756 of 2024 registered with Karjat Police Station, Dist. Ahmednagar for offence punishable under Sections 117(2), 115(2) of Bhartiya Nyaya Sanhita, 2023, 3(1)(r), 3(1)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and under Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015.
3. Appellant is a Teacher in Nutan Marathi High School which is at Kuldharan, Tq. Karjat, Dist. Ahilyanagar. First Information Report was lodged by minor student for the overt act of the appellant committed during the school hours on 28.11.2024. It is alleged that on learning that the informant did not complete homework, he was

abused on caste in classroom. He was beaten on back and left arm. His ear and hands were twisted. He sustained fracture on left arm. Minor informant was shifted to the hospital.

4. Learned counsel for the appellant submits that interim protection was granted by this Court on 27.12.2024 has not been abused. It is submitted that first information report is silent regarding caste of the appellant. There was no motive to abuse and insult informant on caste. It is submitted that all the offences are bailable except those which are under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. It is submitted that in the wake of affidavit of father of the informant filed in this Court, the controversy has been settled and Father has no objection for granting relief to the appellant.

5. Learned APP tenders on record the papers of the investigation. He would submit that there are eye-witnesses. The incident in question took place in open classroom. Injury certificate of the informant corroborates the first information report. Appellant is likely to pressurize the informant and his family members, if he is

not granted protection.

6. Respondent No.3/father has filed affidavit-in-reply supporting the appeal.

7. Appellant is a teacher and at the relevant time he was in classroom and enquiring with the student about the completion of homework. First information report is lodged by a minor who is 14 years old. There is no reason for him to falsely implicate the appellant or to make false allegations. In open classroom and in the presence of students, informant is being abused on caste. Hence, offence punishable under Sections 117(2), 115(2) of Bhartiya Nyaya Sanhita,2023, 3(1)(r), 3(1)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and under Section 75 of Juvenile Justice (Care and Protection of Children) Act,2015 are attracted.

8. I have gone through the statements of students viz. Samarth Dattatray Choudhari and Sujit Manohar Supekar which are consistent with the overt act of the appellant. There is no reason for the students to make false allegations or to implicate the appellant.

Injury certificate of the informant shown to me shows fracture on the left side of the arm. There is clinching evidence that informant has been assaulted. While granting interim protection, police papers were not before court.

9. Insult of tender on caste before fellow students has serious repercussion. Appellant being teacher was in dominant position. A teacher always holds high respect. Students tend to follow their teacher. This is special ramification of the matter.

10. It transpires from the police papers that informant comes from humble background. Affidavit in reply of Respondent No.3 also corroborates this fact. This aspect was not before the Court when interim order was passed on 27.12.2024. The Respondent No.3 is bound to support the appellant because his son is taking education in 9th standard. Appellant is a Teacher and appears to have exceeded his authority in imparting education. I do not find any illegality in the impugned order. Hence I pass following order :

ORDER

1.Criminal Appeal is dismissed.

2.Interim protection granted earlier to continue for
two(2) weeks from today.

[SHAILESH P. BRAHME, J.]

vsj