

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPEAL NO. 48 OF 2025

Rajendra Amarnath Thakur Appellant

Versus

The State Of Maharashtra And Anr. Respondents

WITH
CRIMINAL APPEAL NO. 73 OF 2025

Subhash Hiralal Metha Appellant

Versus

The State of Maharashtra and Anr. Respondents

WITH
CRIMINAL APPEAL NO. 74 OF 2025

Tanaji Dagadu Bhokare Applicant

Versus

The State of Maharashtra and Anr. Respondents

WITH
CRIMINAL APPEAL NO. 75 OF 2025

Mahadev Tukaram Tamhankar Appellant

Versus

The State of Maharashtra and Anr. Respondents

WITH
CRIMINAL APPEAL NO. 154 OF 2025

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Vidya Vijay Nalawade

.... Appellant

Versus

The State of Maharashtra and Anr.

.... Respondents

In APEAL/48/2025

Mr. Rajaram Vaman Bansode, Advocate for the Appellant.

Mr. Ashok Gawai, APP, for the Respondent – State.

Mr. Aarti R. Dharamsey, for Respondent No.2.

In APEAL/73, 74, 75/2025

Mr. Shriram Kulkarni a/w Mr. Mangesh Nalawade, Adv. Asmita Rajbhar and Adv. Aanchal Mhatre i/b Upshot Legal, Advocate for the Appellant.

Mr. P. P. Deokar, APP, for the Respondent – State in APEAL/73, 75/2025.

Mr. Ashok Gawai, APP, for the Respondent – State in APEAL/74/2025.

Mr. Aarti R. Dharamsey, for Respondent No.2.

In APEAL/154/2025

Mr. Sachin R. Pawar, Advocate for the Appellant.

Ms. Sangeeta D. Shinde, APP, for the Respondent – State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 28th MARCH, 2025.

P.C. :

1. All these Appeals are arising out of the same crime number, hence I am deciding by this common order.

2. The Appellant challenging the judgment and order passed

by learned Special Court, Raigad.

3. The Appellants apprehend arrest in Crime No.300 of 2024 registered with Mangaon police station for the offence punishable under Sections 354, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 (for short “IPC”) and Sections 3(1)(w)(ii), 3(1)(w)(i), 3(2), 3(1)(r), 3(1)(s) and 5 fo the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989.

4. It is prosecution’s case that the first informant was working as a peon in the school. During period 31st January, 2024 to 10th May, 2024, the Appellants harassed the first informant. They did not allow him to enter in the School namely Hiralal Mahadav Mehta, High School. They did not allow him to join in the said school, when he had gone there for joining. They abused the first informant on his cast. It is alleged that the Appellant – Rajendra Thakur and Mahadev Tamhankar outraged modesty of the first informant’s wife. The Appellants are headmaster, staff and trustees of Hiralal Mahadev Mehta High School, where first informant was working.

5. It is contention of learned counsel for the Appellants that the Appellants have been falsely implicated in this case. There was allegations against the first informant that he had outraged modesty

of school girl. Accordingly, the Appellant – Rajendra Thakur issued notice to him on 9th February, 2024. The first informant gave explanation and tendered his apology. Then he took VRS by filing resignation letter, it was only after taking VRS. the first informant filed this false complaint against the Appellants. To counter the resignation given by him. The Appellants have no antecedents and they are reputed person. Moreover, according to the FIR all the incidents in question occurred in the school premises, which cannot be said to have taken place in public view. The Appellants have co-operated in the investigation, when they were on interim relief before the trial Court. Hence, requested to allow the appeal.

6. It is contention of learned APP along with learned counsel for the Respondent No.2 that the Appellants, in collusion have harassed the first informant mentally and physically . They were aware about cast of the first informant in spite of that they abused him on his cast. Intentionally they did not allow him to join the school, they humiliated him. The Appellant - Rajendra Thakur and Mahadev Tamhankar outraged modesty of wife of the first informant. Considering allegations against the Appellants, their custodial interrogation is required and requested to dismiss the

appeal.

7. I have heard all learned counsel. Perused the document produced on record.

8. It appears from the record a complaint under POCSO Act was filed against the first informant . Subsequently, the Appellant - Rajendra Thakur being Headmaster of the school, issued notice to the first informant thereafter, the first informant tendered apology for the said act, thereafter, he tendered his resignation on 9th February, 2024. He obtained voluntarily retirement. The incident in the FIR of present offence are mentioned from 31st January, 2024 to 10th May, 2024 i.e. around after giving his resignation. The all incident mentioned in the FIR are occurred in the school premises. It appears that the FIR is filed only to counter the VRS taken by the first informant. Considering these facts, the Appellants custodial interrogation is not required, and I pass following order:-

ORDER

- i. All Appeals are allowed.
- ii. In the event of arrest, all Appellants be released on bail in Crime No. 300 of 2024 registered with Mangaon police station, on executing P.R. Bond of

Rs.25,000/- each with one or two sureties in the like amount.

iii. The Appellants shall attend the concerned police station as and when required.

9. All appeals are allowed in the aforesaid terms and are accordingly disposed of.

10. All the concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)