IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 932 of 2025
and
CRIMINAL APPEAL NO. 933 of 2025

Pravin Ramesh Gholap … Appellant/s

versus

The State of Maharashtra and anr. …. Respondent/s

Mr. A. S. Mundargi, Senior Advocate along with Mr. Sanjay P. Shinde, Advocate for the Appellant.
Mr. Mayur S. Sonavane, APP for Respondent No.1-State.
Mr. Prathamesh Mahadik along with Ms. Harshada Shrikhande, Appointed Advocate for Respondent No.2/complainant.
Mr. Deepak Vasantrao Tonde, Officer, Bhadrakali Police Station, present.

CORAM : R. M. JOSHI, J.

DATE : 27th NOVEMBER, 2025.

P.C. :

1. These appeals under Section 14A of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "the Atrocities Act"), arise from FIR No. I-198/2025 and FIR No. I-200 of 2025 registered with Bhadrakali Police Station.

2. The appellant was Principal of college. Four girl students belonging to tribal community lodged FIR against him for offences punishable under Sections 74 and 76 of the Bhartiya Nyaya Sanhita, 2023 (for short "the BNS").

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3. The gist of the FIRs lodged by the informant indicates that the appellant in the capacity of the principal of the college used to call these girls in his cabin and has committed several acts which include the act of outraging the modesty of the girls. The said allegations are spanning for the period from August 2024 to November 2024. The FIR came to be lodged on 30th May 2025.

4. Learned senior counsel for the appellant submits that the FIR came to be lodged in respect of the incidents belatedly. It is further argued that the appellant has already been dismissed from the post of Principal. He took this Court through the statements of the victims, which according to him are not sufficient to attract the provisions of Section 76 of the BNS. It is argued that the only offence which could be said to have been attracted is under Section 74, which has maximum punishment of five years. According to him, since the investigation in the crime is over, there is no propriety in keeping the appellant in jail.

5. Learned counsel for respondent No.2/victim opposed the appeals on the ground, firstly on the ground that the allegations against the Principal of any college are heinous in nature. It is his further submission that the delay, by itself, is not sufficient ground to discard their statements, as only after the intervention of the mother of the respective victim, they could gather courage to lodge the report. It is also submitted that in the capacity of the Principal, the appellant was having knowledge

about the girls belonging to tribal community and hence, the provisions of Atrocities Act are rightly made applicable. He apprehends that if the appellant is released on bail, he would tamper the evidence and also pressurize the victims. He also argued that there are statements of other ex-students of the college who were subjected to such harassment. It is his submission that if the appellant is released on bail, he would ensure that no further reports are lodged against him.

6. Learned APP also opposed the application citing seriousness of the crime, so also the apprehension of interfering in the evidence of the prosecution.

7. Even if it is accepted that the offence alleged against the appellant is serious in nature, the question remains for consideration of this Court is as to whether there would be any justification to keep the appellant behind bar by way of punishment without trial once the investigation is over and charge-sheet is filed. The candid answer thereto should be in negative.

8. The offence as rightly pointed out by learned senior counsel on behalf of the appellant that there would be substance in the contention that the offence under Section 76 of the BNS would get attracted or not. This Court does not wish to record any opinion on that as the same would be the matter of decision by the Trial Court. Suffice it to say that after completion of investigation and with filing of the charge-sheet, there remains no reason to keep the appellant in custody.

9. Insofar as apprehension of the victims is concerned, learned senior counsel, on instructions, makes statement that the appellant would not enter the local area of Bhadrakali Police Station till conclusion of the Trial. This takes care of apprehension of the prosecution as well as victim.

10. The observations made in this order shall be restricted to the FIRs in question only.

11. Hence, the following order :

O R D E R

1. The appeals are allowed.
2. The appellant be enlarged on bail in connection with FIR No. I-198/2025 and FIR No. I-200 of 2025 registered with Bhadrakali Police Station on furnishing P.R.Bond of Rs.15,000/- with one solvent surety in the like amount to the satisfaction of the Trial Court.

The appeals stand disposed of in above terms.

(R. M. JOSHI, J.)