

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 509 OF 2025

Amol Babasaheb Jagdale ... Applicant
Versus
State of Maharashtra & Anr. ... Respondents

Mr. Ayush Pasbola a/w Vivek Thakare and Suraj Chakor for the Applicant.

Mr. Tanveer Khan, APP for Respondent-State.

None for Respondent No.2.

**CORAM: MANISH PITALE, J.
DATE : 2nd MAY 2025**

P.C. :

. Heard learned counsel for the applicant and the learned APP for the State. An advocate from the legal aid is appointed for respondent No.1 (victim). She is not present in Court.

2. It is even noted in the Sessions Court order that the victim and her mother both had specifically stated that they had no objection to the applicant being released on bail. Although, the aforesaid cannot be the sole consideration for allowing the present application, this Court has considered the overall circumstances and a specific submission is raised on behalf of the applicant in support of the application.

3. The applicant is seeking bail as he was arrested on 11th March 2024 in connection with FIR No. 0154 of 2024 registered at Meghwadi Police Station, Brihanmumbai, for offences under Sections 354 and 354-D of the Indian Penal Code, 1860 (IPC) and

offences under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

4. The applicant is the teacher in the school where the victim is a student. The allegation is that during school hours, the applicant indulged in certain conduct, which resulted in registration of the aforesaid offences. The applicant was immediately arrested and he has remained behind bars since 11th March 2024. The investigation was completed and the charge-sheet was filed. Despite the charge-sheet having been filed, till date, the concerned Sessions Court has failed to frame charges. This indicates that the trial is yet to begin and that its completion would take considerable period of time.

5. In this context, the learned counsel for the applicant has made a specific submission that even if the applicant were to be convicted for all the offences that had been registered against him, the maximum sentence that could be imposed on him is a sentence for a period of five years. A perusal of the relevant provisions of law shows that for offences under Section 354 of the IPC and Section 8 of the POCSO Act, the maximum sentence that can be imposed is five years, while for offences under Section 354-D of the IPC and Section 12 of the POCSO Act, the maximum sentence that can be imposed is three years.

6. The applicant does not appear to have any criminal antecedents. He is a person suffering from physical handicap, which is evident from the document at page 125 of the

application.

7. In such a situation, when applicant has already undergone incarceration as an under-trial for about one year and two months and even charges have not been framed, this Court is of the opinion that the present bail application can be considered favourably, subject to imposing stringent conditions upon the applicant.

8. If the applicant continues to remain incarcerated and further period of time elapses, he may well undergo further period of imprisonment, which may be closer to the maximum period of imprisonment that can be imposed upon him.

9. On the aforesaid consideration, this Court is inclined to allow the application.

10. In view of the above, the application is allowed in the following terms:

- (a) The applicant shall be released on bail in connection with FIR No. 0154 of 2024 dated 11th March 2024 registered at Meghwadi Police Station, Brihanmumbai, on furnishing P.R. Bond of Rs. 50,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.
- (b) The applicant, upon being released on bail, shall not enter the area of residence of the victim i.e. Anand Nagar, Meghwadi, Jogeshwari East, Mumbai, during the

pendency of the trial.

- (c) The applicant shall report to Nerul Police Station, Navi Mumbai, on first Monday of every month between 10:00 a.m. and 12:00 noon, during the pendency of the trial.
- (d) The applicant shall cooperate with the trial Court for expeditious trial and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.
- (e) The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses or any other person concerned with the case.
- (f) The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

11. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

12. The application is disposed of.

MANISH PITALE, J.