

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

Criminal Bail Application No.3565 of 2025

Rahul Madhav Moon
Age: 39, Occ: Teacher
Residing at Flat No.401,
Vanalika Society, C Building,
Pirangut, Mulshi, Pune-412115

... Applicant

Versus

1. The State of Maharashtra
(At the instance of Bavdhan Police
Station)

2. XYZ
(Through Bavdhan Police Station)

... Respondents

Ms Sana R Khan a/w Mr Harsh Shah and Ms Neha Balani, for
the applicant.

Mr PP Jadhav, APP, for respondent No.1/ State.

Mr Sunil More, for respondent No.2.

PSI Devidas Phad, Bavdhan Police Station.

Coram: R.N. Laddha, J.

Date: 28 November 2025.

P.C.:

By this application, the applicant seeks bail in connection
with CR No.169 of 2025, registered at Bavdhan Police Station,
Pimpri-Chinchwad, Pune, for offences punishable under
Section 74 of the Bharatiya Nyaya Sanhita, 2023, and Sections

7, 8, 9(f) and 10 of the Protection of Children from Sexual Offences Act, 2012.

2. The prosecution alleges that between 17 April 2022 and 24 April 2025, the victim, an eleven-year, old girl, was attending private tuition classes conducted by the applicant/accused. It is further averred in the FIR that for a duration of about one month preceding the alleged incident the said tuition sessions were being held at the residential premises of the applicant. As per the contents of the FIR, on 26 April 2025, the victim disclosed to her mother that during the course of the aforementioned tuition sessions, the applicant had subjected her to acts of inappropriate physical contact.

3. Ms Sana Khan, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the crime. It is submitted that there is an inordinate delay in lodging the FIR. The applicant is a teacher with an unblemished career spanning over 15 years. The applicant's wife was present in the house during the tuition sessions, and the victim herself has stated that she was never alone with the applicant, and other students were also present. However, the prosecution has failed to record the statements of any of the other students who allegedly attended the tuition classes during the relevant period.

According to the learned Counsel the absence of corroborative statements from potential eyewitnesses, at this stage, assumes significance. The learned Counsel has pointed out that the FIR may have been lodged as a retaliatory measure, following the applicant's reprimand to the victim for her conduct outside school hours. While the veracity of this claim is a matter for trial, it cannot be entirely disregarded at this stage, particularly in the absence of any prior complaint or indication of misconduct over a span of time.

4. Ms Khan submits that the applicant has no prior criminal antecedents. The maximum punishment for the alleged offence is seven years. The applicant has been languishing in jail since 27 April 2025. The investigation is complete, and the charge sheet has been filed. According to her, in the circumstances, the pre-trial incarceration should not be punitive and that bail is the rule and jail the exception, continued detention of the applicant, in the absence of any material indicating a likelihood of tampering with evidence or influencing witnesses, would not serve any further purpose. Furthermore, it is argued that the applicant's family has shifted from Pirangut village, where the victim resides, to Lohegaon. The applicant is willing to abide by any conditions imposed by this Court, including a direction not to enter village Pirangut or to have any contact with the victim

or her family.

5. On the other hand, Mr PP Jadhav, the learned Additional Public Prosecutor representing respondent No.1/ State, and Mr Sunil More, the learned Counsel appearing for respondent No.2, jointly oppose the applicant's request for bail. They submit that the victim is eleven years old. The applicant inappropriately touched the victim while she attended his tuition classes. The offence is grave and serious, and if released on bail, the applicant may tamper with evidence or influence witnesses.

6. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the records. The applicant seeks regular bail in connection with the alleged offence, based on allegations that he subjected the minor victim, aged eleven years, to inappropriate physical touch during private tuition sessions conducted at his residence. The FIR, lodged on 26 April 2025, alleges that the incidents occurred during tuition classes held between 17 April 2022 and 24 April 2025, with the alleged acts of misconduct taking place in the month preceding the date of disclosure. The delay of nearly a month in lodging the FIR, though not fatal to the prosecution's case, is a relevant factor at the stage of bail. The explanation for such a delay is not immediately forthcoming

from the record, and its implications on the credibility of the allegations are matters that would require scrutiny during trial. The applicant is a teacher by profession, with an unblemished service record of over fifteen years. It is not the prosecution's case that the applicant has any prior criminal antecedents. The applicant has been languishing in jail since 27 April 2025. The investigation is complete, and the chargesheet has been filed. The maximum punishment prescribed for the alleged offence is seven years.

7. The learned Counsel for the applicant has drawn attention to the fact that the victim, in her statement, has not alleged that she was ever alone with the applicant. It is further submitted that the applicant's wife was present in the house during the tuition sessions, and that other students were also in attendance. The prosecution has not recorded the statements of any of these students, who could potentially serve as material witnesses. Furthermore, the applicant's family has since relocated from village Pirangut, where the victim resides, to Lohegaon. The applicant has expressed willingness to abide by any conditions imposed by this Court, including a direction restraining him from entering the village or contacting the victim or her family. These undertakings if incorporated into the bail conditions, would sufficiently mitigate the

apprehension of the prosecution regarding the possibility of the applicant influencing witnesses or tampering with evidence. Furthermore, in the absence of any material to suggest that the applicant poses a flight risk or is likely to interfere with the course of justice, and considering the completion of the investigation, prolonged incarceration would not serve any further purpose.

8. Considering the totality of the circumstances, and the applicant's willingness to comply with stringent conditions, this Court is inclined to grant bail to the applicant. Hence, the following order:

ORDER

- (i) The applicant shall be released on bail in CR No.169 of 2025, registered at Bavdhan Police Station, Pimpri-Chinchwad, Pune, upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.
- (ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.
- (iii) The applicant shall cooperate and regularly attend the trial proceedings

before the jurisdictional Court for the expeditious disposal of the case.

(iv) The applicant shall not enter the territorial jurisdiction of the village Pirangut until the conclusion of the trial.

(v) The applicant shall furnish his residential and contact details to the Inspector of the concerned Police Station and shall notify the said officer forthwith of any changes therein.

9. The bail application stands disposed of accordingly.

[R.N. Laddha, J.]