

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 396 OF 2025

Pratap Chaitu Ghatal

..... Applicant

VERSUS

State of Maharashtra

..... Respondent

Mr. Anup S. Dhannawat for the Applicant.

Mr. Anand S. Shalgaonkar, A.P.P. for the State.

Ms. Supriya Mandhare, PSI, Wada Police Station, District Palghar present.

CORAM : RAJESH S. PATIL, J.

DATE : 12th FEBRUARY, 2025

P.C. :-

This application is filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with FIR No. 0552 registered with Wada Police Station, District Palghar for the offence punishable under Sections 74, 75, 79, of the Bharatiya Nyaya Sanhita, 2023 and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POSCO).

2. It is the case of the informant that the applicant/accused is a school assistant teacher, teaching social studies in P.J.High School at Wada. Initially one student studying in 10th standard handed over a written complaint to the informant (trustee of the school) against the applicant. After enquiry, an FIR has been lodged against the applicant/accused.

3. It is the case of the applicant that he has been teaching for last 19 years in this school and in last 19 years, there has not been a single complaint against the applicant. It is his case that the said act has been initiated by the school management so that the applicant does not complete 20 years of service and they can appoint some new person in his place, from whom they will be able to extract large amount of under the guise of appointment.

4. It is further submitted that though the prosecution is relying upon a letter signed by 52 students, the said letter is not prepared by any particular student. The letter referred of the wife of the applicant, has not been prepared by her and is not in

handwriting by the wife of the applicant. Hence, the Court should not refer to this Court. The notice under Section 41A of the Code of Criminal Procedure, 1973 was not issued to the applicant, neither the sanction as contemplated under Section 197 of the Code of Criminal Procedure has been complied with. The applicant is ready to co-operate with the police and ready to attend the concerned police station as and when called for.

5. Learned A.P.P on the other hand submits that the FIR was lodged on 12th December, 2024. On 5th December, 2024, 52 students of standard 10th had signed the letter addressed to the Trust, thereby informing various objectionable acts done by the applicant. As far as notice under Section 41A is concerned, after the FIR was lodged on 12th December, 2024 immediately on 13th December, 2024, Section 41A notice was issued. However, since the applicant was not found at his residence, the same could not be served upon him. The said fact has been proved by the letter dated 31st January, 2025 addressed by the wife of the applicant whereby she has submitted that for last two months, she was not

able to meet the applicant.

6. It is further submitted that the applicant has been suspended by the School Trust on 21st January, 2025. It is also further submitted that the applicant was not attending the school from 12th December, 2024 after the incident till 26th December, 2024, as the school had directed him not to attend the school. Learned A.P.P. further submitted that the statement under Section 164 of the Code of Criminal Procedure has been recorded of three students and as of now, atleast seven more students are ready to give their statements. He submits that there is a strong possibility that more students would be giving statement against the various acts done by the applicant. He submits that though the applicant is working for 19 years, the students have now come forward to file a complaint against him. He submits that since Section 41A was issued to the applicant, he was not present at his residence and in any case that his wife was aware that notice under Section 41A is issued atleast from that day, the applicant should have taken efforts to officially accept the notice

and reply the same. Nothing of that sort is done by the applicant. Therefore, the present anticipatory bail application should be rejected.

7. I have carefully considered the FIR and the documents produced before me including the letter dated 5th December, 2024 which has been signed by atleast 52 students thereby there are various allegations made against the applicant – Assistant Teacher.

8. The learned A.P.P produced before me the statement recorded under Section 164 of three students. Thus, the said statements recorded under Section 164 are in line with that of the FIR. Few more girls are ready to give statement as per the argument of the learned A.P.P.

9. The notice though issued under Section 41A, the applicant being not present at his residence and neither in the school, was not able to receive the same. However, his wife had knowledge

about the said notice been issued, still then the applicant did not take any steps. The applicant is not attending the school from 12th December, 2024. The wife of the applicant has by her statement dated 31st January, 2025 submitted that the applicant has not met her for last two months. The FIR has been lodged for offences punishable under Section 12(8) and 12 of the POSCO Act, apart from the offence punishable under BNS. It is not a complaint of single student but as much as 52 students have come forward against the applicant/assistant teacher.

10. In my view, considering the entire facts as elaborated above, no case is made out by the applicant to grant any kind of protection.

11. Hence, **this anticipatory bail application is rejected.**

[RAJESH S. PATIL, J.]