

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

**INTERIM APPLICATION NO.470 OF 2025  
IN  
CRIMINAL APPEAL NO.77 OF 2025**

Rajesh Narayan Joshi

.....Applicant

Versus

The State of Maharashtra  
and another

.... Respondents

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Mr. Satyavrat Joshi, Advocate a/w. Ishan Paradkar, Rahi Patil, Indrayanee Pandit, Yash Fadtare, Shivani Kondekar for the Applicant.

Mr. Pankaj P. Devkar, APP for the Respondent No.1-State.

Mr. Kushal Mor, Advocate for the Respondent No.2.

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**CORAM : SARANG V. KOTWAL, J.**

**DATE : 01<sup>st</sup> AUGUST, 2025**

**P.C. :**

1. This is an Application for bail pending his Appeal.

The appeal is already admitted.

2. Heard Shri Satyavrat Joshi, learned counsel for the Applicant, Mr. Pankaj Devkar, learned APP for the Respondent No.1-State and Mr. Kushal Mor, learned counsel for the Respondent No.2.

3. The Applicant was convicted by the Special Judge, Pune vide his judgment and order dated 9.1.2025 passed in Special POCSO Case No.148/2017. The learned Judge convicted the Applicant for commission of the offence punishable under Section 10 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'POCSO Act') and under Section 354, 354-A of IPC. The Applicant was sentenced to suffer RI for five years and to pay a fine of Rs.10,000/- and in default of payment of fine to suffer RI for six months. The Applicant was in custody from 19.3.2017 to 1.4.2017 and thereafter from 9.1.2025 till today.

4. Learned counsel for the Applicant submitted that he is falsely implicated. The Applicant had scolded the victim for not attending the tuition classes and, therefore, she was holding a grudge against him. The victim's mother was a police constable and, therefore, at her behest this false case is filed against the Applicant. The Applicant is a senior citizen. He is above sixty years of age. He was a tuition class teacher. He was conducting the tuitions for many years and there are no criminal antecedents alleged against him. The prosecution evidence shows that the incident has allegedly taken place when the wife of the Applicant

was also present in the house. Therefore, the offence could not have taken place at all. It is further submitted that there are indications that the victim was tutored. There were two other alleged victims examined by the prosecution, but, they have not supported the prosecution case. It also shows that the Applicant was falsely implicated and every attempt was made to bring false evidence against him.

5. Learned counsel appearing for the Respondent No.2 as well as learned APP submitted that there is no reason to disbelieve the evidence of PW-2, who is the victim in this case. She was a girl of ten years of age. She would not make false statement against her own teacher unless the incident was true.

6. Shri Mor further submitted that there were two rooms in the house. The Applicant's wife was conducting her own tuition class in one room and at that time this incident has taken place in the other room. Therefore, it was quite possible. He further submitted that the Applicant has taken contrary defences; at one place he has relied on *alibi* but there is no such evidence brought on record by him. The other evidence of the victim

entertaining a grudge against him is also not sufficiently brought on record by the Applicant.

7. I have considered these submissions. The Appeal is already admitted. It is not likely to be decided within a reasonable period. The Applicant was on bail throughout the trial. There are no antecedents against him. He is in custody for almost about eight months.

8. The evidence of the victim (PW-2) shows that she has admitted in her cross-examination that her mother had told her all the questions that would be asked and as to how she had to answer those questions. Therefore, there is substance in the submission of the learned counsel for the Applicant that PW-2 was a tutored witness. Apart from that she has given evasive answers and has stated that she did not remember whether on 16.3.2017 the Applicant had slapped her because she was absent. The incident in question was dated 15.3.2017. Therefore, she again attending the class on 16.3.2017 after informing her mother seems rather difficult to believe. She has further answered that she did not remember as to whether she attended the tuition class on 17.3.2017. All these evasive answers support the submission of

Shri Joshi that the incident may not be true. Any way all these questions will have to be decided during the final hearing stage of the Appeal.

9. However, the Applicant has made out a case for grant of bail during pendency of his Appeal.

10. Hence, the following order :

**:: O R D E R ::**

- i. During pendency and final disposal of the Criminal Appeal No.77/2025, the Applicant is directed to be released on bail in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- ii. Interim Application is disposed of accordingly.

PRADIPKUMAR  
PRAKASHRAO  
DESHMANE

**(SARANG V. KOTWAL, J.)**

Digitally signed by  
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