



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.43 OF 2025
(Shaikh Jamir s/o Shaikh Najir Vs. State of Maharashtra and anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. T. J. Patil, Advocate h/f Mr. S.S. Ansari, Advocate for the applicant.
Ms T.H. Udeshi, APP for the State.
Ms I.V. Jaiswal, Advocate (appointed) for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 4, 2025.

Apprehending the arrest at the hands of police in connection with Crime No.344/2024 registered with Police Station Bitargaon, Taluka Umarkhed, District Yavatmal for the offences punishable under Sections 75(1) of the Bharatiya Nyaya Sanhita, 2023 and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, the applicant approached this Court for grant of pre-arrest bail.

2. The applicant is a Teacher who is arraigned as an accused on the basis of the report lodged by the mother on an allegation that the victim who is her daughter aged about 11 years studying in sixth standard in a school in Zilla Parishad School. On the day of incident, she has not completed the home work, and therefore, she asked the present applicant who is her Teacher that she would show the homework on Monday but the present applicant has outraged her modesty by

pressing her chest and also touching to her waist. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that there is other reason to implicate the accused falsely. The applicant has received several awards regarding his work. There is no reason for the present applicant to outrage the modesty of the victim. Only to implicate the accused falsely in the alleged offence, this false allegations are levelled. As far as the custodial interrogation is concerned which is not required. In view of that, the application deserves to be allowed.

4. Learned APP strongly opposed the application on the ground that the victim who is 11 years girl was molested by the present applicant only because that she has not completed the homework. It further reveals during the investigation that the applicant has behaved in a similar manner with the other girls also but due to the stigma, the other girls need not come forward, and therefore, the investigation on that aspect is required to be carried out, therefore, the custodial interrogation of the present applicant is required. She submitted that considering the nature of the incident that a small victim girl was subjected for the molestation only because she has not completed the homework, admittedly, is a serious allegation against the present applicant, and therefore, the application deserves to be rejected.

5. I have heard learned Counsel for both the sides and on perusal of the statements it reveals that the victim was molested as she has not completed the homework. Even accepting the contention of the learned Counsel for the applicant that there is a reason of admission and on account of the management of the other school the present applicant is implicated in the alleged offence has no substance as it is not substantiated by any other material. Admittedly, the victim has nothing to do with the admission of the students in the school or the admission of the students in the other school, and therefore, the reason mentioned by the applicant as to his false implication appears to be not reasonable one. At this stage, the statement of the victim and the statements of the other witnesses sufficiently shows the involvement of the present applicant. The consideration for grant of anticipatory bail and the bail under Section 439 of Cr.P.C. are different. At the stage, considering a small girl of 11 years was subjected for the molestation who was sent by her parents by trusting the entire management and the teachers but she was molested allegedly by the present applicant who is her Teacher, and therefore, considering the role of the present applicant who was in the role of the Teacher of the victim who has appears to be betrayed the trust of the victim girl. At this stage, no case is made out for grant of anticipatory bail. Hence, the application deserves to be rejected.

6. Hence, the application is rejected accordingly.
7. The fees of the appointed Counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J.)

**Divya*