



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.289 OF 2025

Sunil s/o Atmaram Shende

Vs.

State of Maharashtra, through Police Station Officer, Police Station, Tirora,
District Gondia and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. M. Daga, Counsel for the applicant.
Ms. Ritu Sharma, APP for non-applicant No.1/State.
Mr. J. D. Bastian, Counsel for the non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 09/04/2025

1. The applicant came to be arrested on 28.01.2025 in connection with Crime No.61/2025 registered with Police Station Tirora, District Gondia for the offence punishable under Sections 74, 75(1) (i) of the Bharatiya Nyaya Sanhita, 2023 and under Section 8 and 12 of the Protection of Children from Sexual Offences Act.

2. The allegation is levelled against the present applicant, who is a teacher on the basis of the report lodged by the victim girl on an allegation that on 16.01.2025 as well as 19.01.2025 she was subjected for outraging of modesty by the present applicant by calling her in his office and thereby committed an offence.

3. Heard learned Counsel for the applicant, who submitted that as far as the allegations are concerned, which are baseless. The applicant has lodged the report and to give a counterblast to the said report, this false FIR is lodged against the present applicant. He submitted that as far as the custodial interrogation is concerned, which is not further required. In view of that he be released on bail.

4. Learned APP and learned Counsel for the non-applicant No.2 - victim strongly opposed for the same on the ground that if the applicant/accused is released on bail, he would tamper with the prosecution evidence. In view of that, the application deserves to be rejected.

5. Initially, the learned Counsel Mr. V V. Joshi was appointed for the victim, however, the victim has engaged another Counsel, and therefore, learned Counsel Mr. V. V. Joshi is discharged.

6. Considering the allegation levelled against the present applicant which appears that being a teacher, she was acquainted with him and on 16.01.2025 and 19.01.2025 by calling her in the office, he has subjected for outraging of modesty. As far as further incarceration is concerned, which is not required, considering the allegation levelled against him. However, considering the apprehension raised

by the prosecution, some conditions required to be imposed. In view of that, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **Sunil s/o Atmaram Shende** shall be released on bail in connection with Crime No.61/2025 registered with Police Station, Tirora, District Gondia for the offence punishable under Sections 74, 75(1)(i) of the Bharatiya Nyaya Sanhita, 2023 and under Section 8 and 12 of the Protection of Children from Sexual Offences Act, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall not enter into the vicinity of Gautam Bouddh Ward, Tirora, District Gondia, till the culmination of the trial.
- (iv) The applicant shall not induce, threat or promise any witnesses either physically or through electronic media.
- (v) The applicant shall attend the proceeding before the Special Court without seeking any exemption unless there are exceptional circumstances.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)