



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

CRIMINAL APPLICATION (ABA) NO. 670/2025

Shri Arun Sylvester Joseph Vs. State of Maharashtra

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, Advocate for the Applicant.

Mr. D. V. Chauhan, Sr.Advocate/PP. with Mr. V. A. Thakre, A.P.P. for
the Non-applicant(s)/State.

CORAM : MRS.VRUSHALI V. JOSHI,J.

RESERVED ON : 29.09.2025.

PRONOUNCED ON : 03.10.2025.

. Heard.

2. Bail application bearing No.658/2025 out of the same First Information Report/Crime No.211/2025 is already pending and on 09.09.2025, this Court has directed to tag the present application with the above said application and the learned A.P.P. waives notice in that application.

3. The applicant has apprehension of arrest in Crime No.211/2025 registered at Police Station Bajajnagar, Nagpur for the offences punishable under Sections 74, 351(2), 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

4. On the complaint lodged by the Assistant Professor in Dr. Ambedkar College, Dikshabhomi, Nagpur, the crime is registered against this applicant. The complainant is Assistant Professor in Dr. Ambedkar College, Dikshabhomi, Nagpur. She was a Professor since last 15 years. It is alleged that on 20.05.2025 at about 11.00 to 11.30 a.m., the complainant went to the office and wanted to file application with the clerk namely Rupali Ambade,

who is working as an inward outward clerk, however, the said clerk refused to accept the application by saying that on the say of applicant and Ravi Mendhe, it would not be possible to take her application and thereafter, it is alleged that there was some dispute, that time, the applicant tried to talk with her and made gesture, which would cause molestation. In short, the allegation was that the applicant insulted her and also molested her.

5. The learned Counsel for the applicant has stated that the complainant, who is the Professor since last 15 years has committed various misdeeds in her service i.e. unauthorized leave, violation of duty hours, non-cooperation with IQAC, non-submission of academic record, misconduct with staff and authorities. She also gave threats to the staff members. Because of said misconduct, the management has decided to initiate action. The management has issued show-cause notice to her on 3 occasions and called the explanation about her misdeeds, her explanation was not satisfactory, therefore, management is willing to take further action against the complainant. Some of the employees had lodged the complaint in Police Station about misbehaviour and maligned the image of that employee.

6. The applicant is not directly concerned with the management, however, he is a State Officer having the duty to maintain the entire account of the college as well as Smarak Samiti, which is headed by President namely Bhadant Arya Nagarjun Surai Sasai and, therefore, he is appointed for maintaining the entire accounts after retirement. The applicant was directed to collect all the

documents about complaints of the complainant and accordingly, he collected the entire documents and the management found that the complainant involved in serious lapses and illegal act, which not only maligned the image of the Trust but equally of the college and, therefore, show-cause notice has been sent and management is likely to take action against the complainant.

7. It is the contention of the learned Counsel for the applicant that the complainant wanted promotion in spite of her lapses as a Professor. However, the management refused for it. The complainant became annoyed. Therefore, by taking advantage of her womanhood, filed the false complaint against this applicant.

8. The applicant has attended the Police Station when the police called after receiving the complaint and informed the police that management is going to take action against the complainant. The applicant work only as per the direction of the President of Smarak Samiti and he directly deal with the Principal only. He has no concerned with other employee; therefore, there is no question of his talking with the complainant. He has not committed any offence. Hence, prayed to protect the applicant by granting anticipatory bail.

9. The learned A.P.P. has opposed the application stating that there is a CCTV footage. The CCTV footage is produced on record. From the said CCTV footage it appears that there is altercation between the applicant and the victim. She has made allegation about passing the comments in derogatory language. It is alleged that the

applicant has made a gesture while talking with her and, therefore, she has lodged the complaint. The offence is serious. It is also alleged that the applicant used to pass derogatory comments on her. There are witnesses, who have stated about it. Hence, prayed to reject the application.

10. Heard both the learned Counsel for the respective parties.

11. On perusal of the First Information Report, it appears that the allegations are made that she was staying alone and by taking disadvantage of her loneliness, the applicant used to pass the comment and used to watch her top to bottom. The incident of 16.05.2024 is specifically stated by her. That the applicant has made gesture while talking with her in derogatory manner. After going through the CCTV footage, which is produced on record, it appears that there was altercation between both of them. The victim has also raised her voice and make the gestures of annoying but from the act of the applicant, it does not appear that he had made any gesture which insult her or which can be considered as derogatory to insult her womanhood.

12. The allegations are made against this applicant are about making gesture and passing the sexual and derogatory comments. The video recording produced before the Court, it does not appear that the applicant has done anything insulting or molesting her. Hence, the case is made out to protect the applicant by granting anticipatory bail. Accordingly, I pass following order:

i] It is directed that in the event of arrest of the applicant in connection with Crime No.211/2025 registered at Police Station Bajajnagar, Nagpur for the offences punishable under Sections 74, 351(2), 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, he shall be released on bail on furnishing PR. Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount.

ii] The applicant shall not in any way tamper with the prosecution evidence.

iii] The applicant shall not pressurize or threaten the prosecution witnesses.

iv] The applicant shall attend the concerned police station twice in a week i.e. on Monday and Saturday between 1:00 p.m. to 2:00 p.m.

v] The applicant shall co-operate the investigation officer.

The application stands disposed of.

(MRS. VRUSHALI V. JOSHI, J.)