



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

CRIMINAL APPLICATION (BA) NO. 270 OF 2025

KHUSHALRAO SHESHRAO UGLE

Vrs.

STATE OF MAHARASHTRA AND ANOTHER

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

Court's or Judge's Order

Shri Anil Mardikar, Senior Counsel with Shri R. B. Dhore, Advocate
for applicant.
Shri Anant Ghogre, A. P. P. for Non-applicant No.1.
Shri Abhay Dhage, Advocate (Appointed) for respondent No.2.

CORAM: URMILA JOSHI-PHALKE, J.

DATE : 07/03/2025.

1. The applicant came to be arrested on 23/08/2024 in connection with Crime No.183/2024 registered under Sections 64(2)(f), 64(2)(i), 64(2)(m), 65(2), 75(1)(i) of the BNS and under Sections 4, 6, 8, 10, 12 of the Protection of Children from Sexual Offences Act, 2012 and under Sections 3(1)(w)(i), 3(1)(w)(ii), 3(2)(v), 3(1)(r), 3(1)(s) and 3(1)(w) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The crime is registered on the basis of report lodged by the victim aged about 10 years alleging that she is studying in 3rd Standard and the present applicant who is serving as a teacher sexually molested her by touching her inappropriately and also sexually harassed her as well as the other girl students of the said school. On the basis

of said report, police have registered a crime against the present applicant.

3. During investigation, the Investigating Officer has recorded the statement of various girls as well as the male students and after completion of the investigation, the charge sheet is filed.

4. Heard Shri Anil Mardikar, learned Senior Counsel for the applicant. He submitted that as far as the involvement of the present is concerned, which is on the say of the management, in fact, the story narrated by the prosecutrix itself is improbable and another ground raised by her is that there is non-compliance of Section 50 of Code of Criminal Procedure Code (For short, "CrPC") and in view of non-compliance of Section 50 of the CrPC, the applicant is to be released on bail. In support of his contention, he placed reliance on the decision of **Vihan Kumar Vrs. State of Haryana and another, in Special Leave Petition (Cri.) No.13320/2024.**

5. Per contra, learned APP and learned counsel for the victim strongly opposed the said application on the ground that there is substantial compliance as far as Section 50 of the CrPC is concerned, as the notice was given to the wife of the accused as to his arrest. He also placed reliance on the necessary entry in the case diary. As far as merits of the concerned, he submitted that in all, six

victim girls came forward regarding the sexual harassment at the hands of present applicant. The statements of other girls are also recorded which show the involvement of the present applicant in the allenged incident. They further submitted that the statement of the victim as well as other female students and the male students discloses the involvement of the present applicant. Considering the nature of the offence that several victim girls are subjected to sexual harassment, prima face case is made out and therefore, the application deserves to be rejected.

6. After hearing both sides and on perusal of the investigation papers, as well as merits of the matter is concerned, it is a matter of record that several victims came forward during the investigation disclosing the act of the accused. The victim girls were also referred for the medical examination. The statement of the other male students is also recorded, which also discloses the involvement of the present applicant in the alleged incident. As far as the merits of the matter is concerned, the involvement of the present applicant reveals from the investigation papers.

7. The other ground raised by the present applicant is that there is non-compliance of Section 50 of the CrPC as the grounds of arrest are not communicated to him. In support of the contention, learned Senior Counsel placed reliance on the decision of Vihan Kumar

Vrs. State of Haryana and another (cited supra) wherein the Hon'ble Apex Court has considered the Article 22(1) of the Constitution of India as observed by referring its earlier decisions that Article 22(1) of the Constitution provides inter alia that no person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest. This being the Fundamental Right guaranteed to the arrested person, the mode of conveying information of the grounds of arrest must necessarily be meaningful so as to serve the intended purpose. It is further observed by the Hon'ble Apex Court by referring the Judgment of **Lallubhai Jogibhai Patel Vrs Union of India, reported in 1981 (2) SCC 427** wherein, the interpretation of the "communicate" is interpreted and observed that "communicate" is a strong word. It means that sufficient knowledge of the basic facts constituting the grounds should be imparted effectively and fully to the detainee in writing in a language which he understands. Therefore, as far as Article 22(1) of the Constitution is concerned, compliance can be made by communicating sufficient knowledge of the basic facts constituting the grounds of arrest to the arrested person. While concluding this aspect, Hon'ble Apex Court further held that the information of the grounds of arrest must be provided to the arrested persons in such a manner that sufficient knowledge of the basic facts constituting the grounds is imparted and communicated to the arrested person effectively in the language which he understands. The

mode and nature of the communication must be said that the object of the Constitutional safeguard is achieved.

8. In view of the above observation of the Hon'ble Apex Court, admittedly, there is no compliance in view of Section 50 of the CrPC as well as in view of Article 22(1) of the Constitution, the Hon'ble Apex Court further held that arrest of the appellant was rendered illegal on account of failure to communicate the grounds of arrest to the appellant as mandated by Article 22(1) of the Constitution.

9. In view of the above observation, the present applicant has made out a case for grant of bail as there is no compliance of Section 50 of the CrPC and in view of Article 22(1) of the Constitution. Hence, I pass the following order :-

ORDER

i] The application is allowed.

ii] The applicant – **Khushalrao Sheshrao Ugle** be released on bail in connection with Crime No.183/2024 registered under Sections 64(2)(f), 64(2)(i), 64(2)(m), 65(2), 75(1)(i) of the BNS and under Sections 4, 6, 8, 10, 12 of the Protection of Children from Sexual Offences Act, 2012 and under Sections 3(1)(w)(i), 3(1)(w)(ii), 3(2)(v), 3(1)(r), 3(1)(s) and 3(1)(w) of the

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 on executing P. R. Bond of Rs.50,000/- with one solvent surety of the like amount.

iii] The applicant shall not enter into the vicinity of village Kingaon Raja, Tah. Sindkhed Raja, Dist. Buldhana, till culmination of trial.

iv] The applicant shall not induce, threat or promise to any witnesses, who are acquainted with the facts of the present case.

v] The applicant shall furnish his detailed address along with address proof where he is intending to reside after he is released on bail.

vi] The applicant shall attend the proceedings before the Additional Sessions Judge, Mehkar without seeking exemption unless there are exceptional circumstances.

10. Fees of learned appointed counsel for respondent No.2 be quantified, as per the Rules.

11. The application is disposed of.

[URMILA JOSHI-PHALKE, J.]