



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

CRIMINAL APPLICATION (ABA) NO.118 OF 2025

(Dhananjay Prabhakar Rao Deshmukh 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. S.V. Sirpurkar, Advocate for the applicant.
Ms S.V. Kolhe, APP for the State.
Mrs. S. Saware Gadhave, Advocate (appointed) for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 29, 2025.

Apprehending the arrest at the hands of police in connection with Crime No.137/2025 registered with Police Station, Khadan, District Akola for the offences punishable under Sections 74 and 78 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, the applicant approached to this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by the victim girl aged about 13 years on an allegation that applicant is her teacher and he has sent her message on 11.02.2025 and sexually harassed her. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that from the entire recitals of the FIR nowhere it reveals that the said messages were sent with sexual intent. The victim who failed in the 10th examination and she is not a

student of the present applicant, only to implicate him in the alleged offence the false allegations are levelled. As far as the alleged offences are concerned, which are punishable up to three years, therefore the custodial interrogation of the present applicant is not required and he has attended the police station as to the direction of this Court and cooperated with the investigating agency. In view of that the applicant be protected by granting anticipatory bail.

4. Learned APP and learned Counsel for the victim strongly opposed the said application on the ground that victim aged about 13 years was subjected for the sexual harassment by the applicant who is her teacher. There is every possibility of tampering of the witnesses. In view of that the application deserves to be rejected.

5. After hearing both sides and on perusal of the recitals of the FIR and the investigation papers, it reveals that the allegation against the present applicant is that he has sent the obscene messages. The mobile phone of the present applicant is already seized. The WhatsApp chat collected during the investigation speaks otherwise. After considering the entire investigation papers admittedly, the custodial interrogation of the applicant is not required. The applicant has already cooperated with the investigating agency. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

(i) The application is allowed.

(ii) In the event of arrest, the applicant - Dhananjay Prabhakarrao Deshmukh in connection with Crime No.137/2025 registered with Police Station, Khadan, District Akola for the offences punishable under Sections 74 and 78 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, be released on anticipatory bail on executing PR. Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(iii) The applicant shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

6. The application is disposed of.

7. The fees of the appointed Counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J.)