



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

CRIMINAL APPEAL NO. 285 OF 2025

SHYAM S/O PANDURANG DHAIT
Vrs.
THE 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 Madhur Deo, Advocate for appellant.
Ms. Harshada Prabhu, APP for respondent No.1-State.

CORAM: URMILA JOSHI-PHALKE, J.
DATE : 20/06/2025.

1. By this appeal, the appellant has challenged the order passed by the Special Judge and Additional Sessions Judge, Gadchiroli in Criminal Bail Application No.63/2025 rejecting the anticipatory bail application of the present appellant dated 31/05/2025.

2. The appellant is apprehending the arrest at the hands of police in connection with Crime No.1/2025 registered under Sections 75(1), 351 of the BNS r/w Section 12 of the Protection of Children from Sexual Offences Act, 2012 and under Sections 3(i)(w)(i),(ii), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Heard learned counsel for the appellant who submitted that a crime is registered on the basis of report

lodged by the victim aged about 15 years and 3 months alleging that on 28/03/2025 when she was sitting in front of present appellant who is a teacher, the present appellant inappropriately touched to her legs and outraged her modesty. On the basis of said report, police have registered a crime against the present appellant.

4. Learned counsel for the appellant submitted that as far as the recitals of the FIR are concerned which are baseless and false one. He invited my attention towards the investigation papers and disclosed that alleged incident has taken place on 21/03/2025. The FIR is lodged on 08/04/2025. Prior to the lodging of the FIR, a complaint was made to the Headmaster of the school on 30/03/2025 on which the Headmaster has issued a show cause notice to the present appellant on 03/04/2025 in which he has given explanation that inadvertently, his leg was touched to the leg of the victim. There was no such intention to outrage her modesty. Moreover, a complaint was made after 3 days even accepting the allegation of the victim that alleged incident has taken place on 21/03/2025 and there is no explanation to the said delayed complaint. The FIR is lodged after 15 days approximately of the incident. He also invited my attention towards the statements of the witnesses and disclosed that as demand was made by the parent of the victim which is not fulfilled by the present appellant and therefore, the false FIR is lodged against him. He

submitted that even accepting the allegation as it is, the bar under Section 18 will not attract. The appellant is ready to co-operate with the Investigating Agency. In view of that, he be protected by granting ad-interim protection.

5. Learned APP strongly opposed the said application and submitted that the statement of the victim is consistent. There is no reason for the victim to implicate the present appellant with the alleged offence. As far as custodial interrogation is concerned which is not only criteria but the bar under Section 18 will attract. She further submitted that considering the appellant who is in authoritative position, there is every likelihood of tampering of the witnesses and therefore, the prayer for grant of ad-interim anticipatory bail deserves to be rejected.

6. On hearing both the sides and on perusal of investigation papers, it reveals that the relevant statements are already recorded by the Investigating Officer. The explanation which is put-forth by the present appellant immediately after issuance of the show cause notice is also on record in which he has clearly mentioned that inadvertently, there was a touch by his leg to the leg of the victim. Admittedly, the victim has not immediately made her grievances either to the Headmaster or to her parents after approximately three days, the first complaint was made to the Headmaster, if the alleged incident has

taken place on 28/03/2025. In fact, the investigation papers show that incident has taken place on 21/03/2025. The statements of other witnesses also disclose that there was demand by the relatives of the victim asking to pay money to compensate the said incident. Thus, there is substance in the contention of the learned counsel for the appellant that appellant was harassed for the demand of money and as he has not fulfilled the demand afterthought, the FIR came to be lodged.

7. Considering various statements and the fact that there is inordinate delay in lodging the FIR, the appellant has made out a case for grant of ad-interim protection. Accordingly, I proceed to pass following order :-

ORDER

i] In the event of arrest in connection with Crime No.1/2025 registered under Sections 75(1), 351 of the BNS r/w Section 12 of the Protection of Children from Sexual Offences Act, 2012 and under Sections 3(i)(w)(i),(ii), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the appellant be released on ad-interim anticipatory bail on executing PR bond of Rs.25,000/- with one solvent surety of the like amount.

ii] The appellant shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 1.00 p.m. and shall co-operate with the Investigating Agency.

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

8. Issue notice to the respondent No.2 returnable after two weeks.

9. The respondent No.2 be intimated through Police Station Officer, Police Station, Repanpalli, Tq. Aheri, Dist. Gadchiroli.

10. Stand over after two weeks.

[URMILA JOSHI-PHALKE, J.]