



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

CRIMINAL APPLICATION (ABA) NO. 520 OF 2025

(Shyam S/o Pandurang Dhait

Vs.

State of Maharashtra, Thr. PSO, Police Station Repanpalli, Tah. Aheri,
 Dist. Gadchiroli & Anr.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Madhur Deo, Advocate for the Applicant.

Ms. H.N. Prabhu, APP for the Non-applicant No.1/State.

Mr. Pranav Saliokar, Advocate for the Non-applicant No.2/Victim.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 23rd JULY, 2025

1. Apprehending the arrest at the hands of Police in connection with Crime No.1/2025 registered under Sections 75(1)(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.

2. Heard learned Counsel for the Applicant 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 Applicant who is a teacher, the present Applicant inappropriately touched to her legs and outraged her modesty. On the basis of said report, Police have registered a

crime against the present Applicant.

3. He submitted that as far as the recitals of the FIR are concerned which are baseless and false one. Inadvertently that touch was there. There was no such sexual intent to outrage her modesty. He has already cooperated with the Investigating Agency. In view of that, interim protection granted to the present Applicant deserves to be confirmed.

4. Learned APP and learned Counsel for the Victim strongly opposed the said Application and submitted that the statement of the Victim specifically shows that the Applicant who is in authoritative position has outraged the modesty of the Victim by touching her. In view of that, the Application deserves to be rejected.

5. On hearing both the sides and on perusal of the investigation papers, it reveals that the relevant statements are already recorded by the Investigating Officer. The explanation which is put forth by the present Applicant 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 and after three days the said report was lodged. Considering the fact that the custodial interrogation of the present Applicant is not required, he can be protected by granting anticipatory bail. Accordingly, I proceed to pass following order:

ORDER

- i. The Application is **allowed**.
 - ii. The *ad interim* protection granted to the Applicant by order dated 20.06.2025, is hereby confirmed on the condition that, he shall attend the concerned Police Station once in a week i.e. on every Monday between 10.00 a.m. to 01.00 p.m. till filing of the charge-sheet and shall cooperate with the investigating agency.
 - iii. The Applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
 - iv. The Applicant shall attend the proceedings before the Special Court without seeking any exemption unless there are exceptional circumstances.
 - v. Fees of the learned Appointed Counsel for the Victim be quantified as per Rules.
6. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)