



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 BAIL APPLICATION NO. 357 OF 2026

Pratibha Vikas Desale

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Chatterji Joydeep

APP for Respondents: Mrs P.V. Diggikar

Advocate for Respondent 2 : Mr. A.C. Sisodiya

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AND

BAIL APPLICATION NO. 352 OF 2026

Subhash Dinesh Chaudhari

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. N.S. Ghanekar h/f Chaudhari N. L.

APP for Respondent 1 : Mrs P.V.Diggikar

Advocate for Respondent 2 : Mr. A.C. Sisodiya

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : March 11, 2026

ORDER:-

1. The applicants in both these bail applications seek regular bail in connection with Crime No.24 of 2026 dated 4.2.2026 registered with Sindkheda Police Station, District Dhule for the offences punishable under Sections 8,10,12, 21(2) of the Protection of Children From Sexual Offences Act, 2012 (for short POCSO Act), section 75 of the Bhartiya Nyay Sanhita, 2023 and section 3[1][w][i] of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Investigation was set in motion on the basis of information given by respondent no.2/minor victim, who states that she is a student of primary residential high school for tribal students. On 20.12.2025 birthday of her classmate was being celebrated. She went to the office of Superintendent to pay for cakes. Accused Vijay pulled her and sexually molested. She could manage to flee away from the office. On sharing her experience with other students, she came to know that other girl students were also sexually molested by accused Vijay. Complaint was made to the Principal regarding misbehavior of the accused. On 28.1.2026 Vice Principal was informed. Thereafter, on 31.1.2026 Chairman was informed about the incident. Although, they assured to take action, they did not report incident to the police.

3. On the basis of aforesaid information, crime is registered. The applicants, who are Vice Principal and Chairman are implicated as accused particularly for the offences under section 21(2) of the POCSO Act. Allegations in FIR are mainly against accused no.1 Vijay.

4. Learned advocates appearing for applicant/s in respective bail applications submit that role of the applicant is limited that they failed to report commission of the offence. As such, at the most charge under section 21(1)(2) of POCSO Act may be attributed against applicants for which punishment up-to one year has been provided. Applicants have been arrested on 4/5 February, 2026.

They are behind bar for about 37 days. Therefore, they deserves to be enlarged on bail.

5. Per contra, learned APP Mrs.P.V.Diggikar appearing for Respondent no.1 State and Mr. Sisodiya, learned advocate appearing for respondent no.2 vehemently opposed the application contending that offences are serious in nature. The accused are guilty of aggravated sexual assault against students belonging to scheduled caste community. Section 19 of the POCSO Act requires that any person, who has apprehension of offence under this Act is likely to be committed or has a knowledge of such offence has been committed is required to provide information to the Local Police or Special Juvenile Police Unit. Section 21 provides punishment for contraventions of section 19. The applicants being responsible persons in institution failed to inform about offences committed by the employee of institution to the competent authorities. If they are enlarged on bail, there is likely-hood of tampering evidence and hurdle in the investigation.

6. Having considered submissions advanced by learned advocates appearing for respective parties and on perusal of record, it can be observed that applicants have been booked for commission of offence punishable under section 21 of the POCSO Act. Allegations is that they failed to inform incident to the authorities as specified in section 19 of the POCSO Act. As rightly pointed out by learned advocates

appearing for applicants, there is no other allegation against the applicants depicting their involvement in commission of offences against children. Section 31 of the POCSO Act provides that Criminal Procedure Code would apply to the proceedings before Special Court including the provisions in it. Part II of First Schedule of Cr.P.C. provides classification of offences under other laws. If offences punishable with imprisonment less than three years or with fine only, it would be bailable by any Magistrate. Section 21 of the POCSO Act provides punishment of one year for the offences. Therefore, both the applicants are entitled for grant of bail. In the result, following order is passed.

ORDER

- (i) Bail Applications are allowed in terms of prayer clause “B”.
- (ii) The applicant- Pratibha Vikas Desale in bail application no.357 of 2026 and applicant - Subhash Dinesh Chaudhari in Bail Application No.352 of 2026 be released on bail in connection with Crime No.24 of 2026 dated 4.2.2026 registered with Sindkheda Police Station, District Dhule for the offences punishable under Sections 8,10,12, 21(2) of the Protection of Children From Sexual Offences Act, 2012 (for short POCSO Act), section 75 of the Bhartiya Nyay Sanhita, 2023 and section 3[1][w][i] of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act on furnishing PR and SB of Rs.50,000/- by each of them on the following conditions :-

- a. The applicant/s shall not tamper with the prosecution evidence in any manner.
- b. The applicants shall not indulge in criminal activity.

(iii) Applications are **disposed of**.

(S. G. CHAPALGAONKAR)
JUDGE

aaa/-

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