



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

1 BAIL APPLICATION NO. 669 OF 2026

Mujeebuddin S/o Nasiruddin Kazi,
Age : 42 years, Occ. : Service,
R/o Mujeeb Manzil, Gaoli Pura,
Buldana,
At present Mehmoodpura, National Colony,
Dist. Aurangabad

.. Applicant

Versus

1] The State of Maharashtra through
MIDC CIDCO Police Station, Aurangabad
and others

.. Respondents

...
Advocate for applicant : Mr. Nilesh S. Ghanekar
APP for respondent – State : Mr. C.V. Bhadane
Advocate for respondent no. 2 : Mr. Suhas R. Shirsat (appointed)
Advocate for respondents no. 3 to 9 : Mr. Ashraf Patel
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CORAM : SHAILESH P. BRAHME, J.

DATE : 06.05.2026

PER COURT :

Heard both sides.

2. The applicant is seeking regular bail in connection with Crime No.33 of 2026, registered with MIDC CIDCO Police Station, Dist. Chhatrapati Sambhajinagar City for the offences punishable under Section 74, 75, 115(2), 351(2) of Bharatiya Nyaya Sanhita, 2023, under section 8, 12 of POCSO Act, under section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015.

3. The applicant is arrested on 14.01.2026. The investigation is over and charge-sheet is already filed in the matter by the Police.

4. The respondent – informant is Headmistress of a school, lodged a report on 13.01.2026, on the basis of complaints made by the girl students regarding mis-behaviour and overt act of the applicant who happened to be a teacher. The respondent – victim minor girl students made a complaint on 08.01.2026 that applicant used to inappropriately touch them, drag them towards him, try to kiss on cheeks or the lips, try to touch the body, try to touch the chest and try to ask indecent questions. He is alleged to have outraged the modesty of the girl students. The statements of the victims were recorded under section 181 as well as 183.

5. Learned counsel Mr. Ghanekar submits that applicant is falsely implicated in the offence because he had taken lead and active part in filing petition in the High Court and getting the orders against the school and the school management. The respondent – victims and the parents did not support the prosecution case. The statements of the employees are hearsay in nature. There is delay in filing FIR. The CCTV transcript does not corroborate the prosecution case. The informant Headmistress has filed the complaint to settle the personal scores.

6. Per contra, learned APP would repel the submissions, stating that the statements of the victims and the parents were recorded under section 181 as well as 183. The CCTV footage of two different cameras would disclose involvement and the overt act of the applicant. There is incriminating material available against him.

7. Learned counsel Mr. Shirsat appointed to represent respondent – informant would submit that applicant has repetitively indulged in the overt act and outraged the modesty of the girl students. His conduct is unbecoming of a teacher of a primary school. There is audio recording of the interaction between informant and

the victims which would indicate the involvement of the applicant.

8. Applicant was the employee of a private primary school. The informant was the Headmistress. In all, 5 victims had approached informant in making complaint of outraging of modesty against the applicant. During course of investigation, the statements of further four minor girl students were recorded.

9. I have gone through the statements of the victims recorded under section 181 in the presence of member of Child Welfare Committee, Investigating Officer and others. None of the victims would corroborate the prosecution story. Similar is the case with the statements of the victims recorded under section 183. I have also gone through the statements of parents recorded under section 181. The parents Najma Munir Syed, Gajala Nawaj Pathan, Bushra Ajim Pathan, Shireen Shaikh Wasim etc. do not refer to any overt act of the applicant. None of them would state that the victim girls ever made any complaint directly to them regarding mis-behaviour or advances of the applicant.

10. It appears that two cameras are installed in the school i.e. camera no. 6 and camera no. 2. My attention is adverted to transcript of CCTV footage of both the cameras. The applicant is seen in the classroom amongst the students. The entire transcript cannot be said to be incriminating but part of transcript appears to be objectionable. The objective scrutiny is required to be undertaken during course of trial. It is not a case to deny bail on the basis of the transcript.

11. The applicant and other employees had filed writ petition no. 9365 of 2021 in the High Court in respect of service benefits. The petition was permitted to be withdrawn on the written instructions. The management did not adhere to the submissions made before the Court, resulting in the withdrawal of the petition.

Applicant and others had issued notice to the school authorities. The relationship of the applicant and the school management, including the Headmistress was strained. The victims and the parents are not supporting the prosecution case. The possibility of implicating applicant falsely, cannot be ruled out.

12. The applicant is behind bars since 14.01.2026. No antecedents are reported against him. There is no point and purpose in detaining him any further.

13. I, therefore, pass the following order :-

ORDER

I] The Bail Application is allowed.

II] The applicant shall be released on bail in connection with Crime No. 33 of 2026, registered with MIDC CIDCO Police Station, Dist. Chhatrapati Sambhajnagar City for the offences punishable under Section 74, 75, 115(2), 351(2) of Bharatiya Nyaya Sanhita, 2023, under section 8, 12 of POCSO Act, under section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015, on following conditions:

(a)The applicant shall furnish P.R. bond of Rs.60,000/- (Rs. Sixty Thousand only) with one solvent surety of like amount.

(b)The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses.

(c)The applicant shall furnish his mobile/cell number and address to the investigating officer.

(d) The applicant shall not enter Chhatrapati Sambhajnagar, till conclusion of the trial save and except attending the date/s of trial.

(e) The applicant shall co-operate for expeditious disposal of the trial.

(f) The applicant shall surrender Adhaar / PAN Cards, if any, to the Investigating Officer.

14. Fees of Mr. Suhas R. Shirsat, Advocate appointed for respondent no.2, is quantified at Rs.5,000/- (Rs. Five Thousand) for rendering assistance to the Court.

**(SHAILESH P. BRAHME),
JUDGE**

arp/-