IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3037 OF 2026

Madhukar Dattu Bhosale .... Applicant
V/s.
The State of Maharashtra ...Respondent

Mr. Ravi Prakash Jadhav a/w. Ms. S. Sagale and
Adv. Madhumita Sachin Paik for the Applicant.
Mr. R.M. Pethe, APP for the Respondent No.1 – State.
Ms. Chandni Chawla for Respondent No.2.
Ms. Pranita Choudhari, WAPI, Io, R.A.K. Marg Police Station, present.

CORAM: SHYAM C. CHANDAK, J.
DATED : 6th OCTOBER, 2026

P.C. :-

1. Heard learned Counsel for the parties. Perused the record.

2. The applicant seeks his release on bail in POCSO Special Case No.238/2026 pending before the learned Special Judge, City Civil Court, Gr. Mumbai arising out of Cr.No.455/2025 registered with R.A.K.Marg Police Station, Mumbai for the offence punishable under Sections 75, 351(2) of Bharatiya Nyaya Sanhita, 2023 ("BNS") and Sections 8, 9(f), 10 and 12 of Protection of Children from Sexual Offences Act, 2012 ("POCSO"), on the report dated 15.12.2025 lodged by the mother of the victim.

3. The prosecution case is that in November, 2025 the applicant was transferred in XYZ Public School at Parel, Mumbai. The applicant was teaching Mathematics and Marathi to students of Std. VI to VIII. It is alleged that between November, 2025 and

13.12.2025, the applicant sexually assaulted four girl students aged 12 to 14 years. The specific allegations are that the applicant used to sing songs looking at these girl students; he used to show them photo of his son and seek their opinion about him; he used to threaten them if they complain about him to their parents; he used to pull girl students towards him; he used to threaten male students to cause injury to their private parts, etc. Therefore, the aforesaid crime was registered, the applicant was arrested and finally, charge-sheeted.

4. Mr. Jadhav, the learned Counsel for the applicant submitted that till the registration of this case, the applicant has served in Public Schools for more than 25 years, but, not on single occasion, there was such complaint against him. In the said school, the applicant had served only for three to four weeks. Therefore, it is highly improbable that the applicant would commit the alleged offence during that short period. He submitted that there is significant inconsistency in the statements of the alleged victims. Their statements do not indicate that there was sexual intent on the part of the applicant. He submitted that, now, the investigation is over. Further detention of the applicant in jail will not serve any purpose. The offence is punishable with maximum imprisonment of seven years. Therefore, the applicant may be released on bail.

5. Opposing these submissions, Mr. Pethe and Ms. Chawla, the learned APP and learned Advocate for Respondent No.2 have submitted that the four victims have consistently stated that they were sexually assaulted by the applicant. The applicant was serving as a teacher in the said school. Therefore, the offence is serious and the applicant is not entitled for bail.

6. I have considered these submissions. On a careful perusal of the statements of the victims, I found that there is inconsistency in their statement about the alleged act committed by the applicant. The statement of Nilesh Prakash Raut, teacher in the said school indicates that in the parent meeting held on 13.12.2025, no parents and student complained against the applicant. It is not disputed that the applicant has rendered more than 25 years unblemished service as a teacher before registration of this crime. No investigation is done with the schools where the applicant has served in the past. The applicant is in jail for more than 9 months. His further detention will not serve any purpose. The trial would taken some time to conclude. The applicant is not likely to abscond and tamper with the evidence. Therefore, I am inclined to allow the application. Hence, following Order :-

(i) The applicant – Madhukar Dattu Bhosale be released on bail in POCSO Special Case No.238/2026 pending before the learned Special Judge, City Civil Court, Gr. Mumbai arising out of Cr.No.455/2025 registered with R.A.K.Marg Police Station, Mumbai, on his executing a P.R. Bond in the sum of Rs.50,000/- with one or more sureties in the like amount.

(ii) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(iii) On being released from jail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated in case there is any change.

(iv) The applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence the prosecution witnesses to prevent them from deposing against him.

(v) It is clarified that any observation made in the present Order are for the purpose of deciding the present Bail Application. The trial Court shall decide the said case without getting influenced by any of the said observations.

7. Bail Application stands disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)

PREETI HEERO JAYANI
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Date: 2026.10.08 14:18:17 +0530