

**ORDER BELOW EXH.1**

1] This application has been filed by the applicant for seeking pre-arrest bail u/s. 438 of Code of Criminal Procedure in connection with CR No.135/2024 registered with Rajgad police station for the offences p/u/s.354-A of the Indian Penal Code and p/u/s. sec. 8, 9(f), 9(l), 10, 12 of POCSO Act of the Protection of Children from Sexual Offences Act [Hereinafter Indian Penal Code referred to as “IPC” and Protection of Children from Sexual Offences Act referred to as “POCSO Act” for the sake of brevity.]

2] The prosecution has filed say and opposed this bail application.

3] Heard Ld. Advocate for the applicant and Spl. PP. for the State. Perused application and documents tendered by the applicant. Perused say filed by the prosecution and police papers.

4] It is argued by Ld. Advocate for the applicant that the applicant has been falsely implicated in this case. He is teacher. The offence is registered after 18 days. Political persons are involved. In the school there was misappropriation of the food provided to the students and he opposed for the same and therefore false case is filed against him. The applicant is awarded 3 times and he is a good teacher. The advocate has shown videos to show that the applicant has been beaten and abused in the school. His custodial interrogation is not necessary and prayed for granting pre-arrest bail to the applicant.

6] The Ld. Spl. PP. has submitted that the applicant is teacher in 5<sup>th</sup>

to 7<sup>th</sup> standard in the school. There are many victims, who are the students. Their statements show the act committed by the applicant. The applicant has admitted his guilt. The Inquiry Committee has conducted the inquiry and again female inquiry committed also made the inquiry. The nature of the offence is serious and custody of the applicant is necessary for the investigation and prayed for rejection of the application.

7] The in-charge headmaster of Z.P. School has lodged a report against the applicant who is the teacher in the school on 22.03.2024. There was training and guidance to the girl students in respect of child sexual abuse, good touch bad touch etc. on 23.02.2024. To guide the girl students the program was arranged by Zilha Parishad, Pune and Child And Women Department, Pune.

8] The F.I.R. indicates that on 05.03.2024 five parents along with the students came and they told that the teacher from the school i.e. the applicant is inappropriately touching the girls and tickling them and giving hug to them. After knowing about the same the informant called the teachers and parents. Police Patil, Sarpanch, members of the Management Committee of the school had told them the complaints of the parents and the applicant admitted his guilt at that time. Thereafter, the informant reported the incident to Group Development Officer, Bhore and he has sent inquiry committee. At the time of the inquiry the applicant accepted his guilt. Six girl students from 7<sup>th</sup> standard and two girl students from 6<sup>th</sup> standard have stated how the applicant misbehaved with them. The inquiry committee

submitted the report to Group Development Officer and the applicant was suspended on 06.03.2024. After that the Group Development Officer appointed three level women inquiry committee and they recorded the statements of the victims and submitted the report to Group Development Officer and the informant has lodged accordingly the report against the applicant.

9] Prima facie from the statements of the parents of the girl students and from the statements of the victim girls, it reveals that the victims have made allegations against the applicant, who is their teacher, that he misbehaved with them and he has committed sexual assault and sexual harassment to them. Prima facie nothing discloses that there was reason to the victims to make false allegations against the teacher. Further it reveals that prima facie there is substance in the allegations and the applicant has been suspended. In the facts and circumstances, in view of the nature of the allegations and there are many victims, custodial interrogation of the applicant is very much necessary. Hence, it is not just and proper to grant pre-arrest bail to the applicant. Therefore, application is to be rejected. With this I proceed to pass following order.

**ORDER**

- 1] The application is rejected.
- 2] Bail application stands disposed of accordingly.

Pune.  
Date – 24.04.2024.

(S.P. Ponkshe)  
Addl. Sessions Judge, Pune.

“ I affirm that the contents of the P.D.F. File Judgment are same word for word as per original judgment.

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| Name of Steno | - Smt. B.R.Jakka (Steno G-1)         |
| Court Name    | - Smt. S. P. Ponkshe, Addl. Sessions |
| Judge, Pune.  |                                      |
| Date of Order | - 24.04.2024.                        |
| Uploaded on   | - 25.04.2024.                        |